

CITY OF RICHFIELD, MINNESOTA

TUESDAY, OCTOBER 14, 2014

RICHFIELD MUNICIPAL CENTER
6700 PORTLAND AVENUE

SPECIAL CITY COUNCIL WORKSESSION

BARTHOLOMEW ROOM

5:45 P.M.

AGENDA

Call to order

(Worksession discussion times are approximate)

5:45 – 6:00 p.m.

1. Discussion regarding the 2015 Utility Budget review (Council Memo No. 93)

Notes: _____

6:00 - 6:55 p.m.

2. Discussion regarding intersections on 66th Street (Council Memo No. 93)

Notes: _____

Adjournment

REGULAR CITY COUNCIL MEETING

COUNCIL CHAMBERS

7:00 P.M.

AGENDA

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Notes: _____

Pledge of Allegiance

Approval of the minutes of the (1) Special City Council Worksession of September 23, 2014 and (2) Regular City Council Meeting of September 23, 2014

COUNCIL DISCUSSION

1. Council discussion
 - Hats Off to Hometown Hits

Notes: _____

AGENDA APPROVAL

2. Council approval of the agenda
3. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of the approval of the request by St. Nicholas Episcopal Church, 7227 Penn Avenue, for a temporary on-sale intoxicating liquor license for their Fall Fiesta Auction on November 1, 2014 S.R. No. 170
 - B. Consideration of the approval of the request by the Church of St. Richard, 7540 Penn Avenue, for a temporary on-sale intoxicating liquor license for their Novemberfest event on November 8-9, 2014 S.R. No 171
 - C. Consideration of the approval of the renewal of the contract with Chief's Towing, Inc. for Public Safety towing services for December 1, 2014 through November 30, 2015 S.R. No. 172
 - D. Consideration of the approval of the resolutions approving the sale of portions of land at 6314-17th Avenue, 6320-17th Avenue and 6408-17th Avenue S.R. No. 173
 - E. Consideration of the approval of the 2014-2015 contract with the City of Bloomington using federal grant funds to provide services in public health emergency preparedness/bioterrorism and the development of a response system S.R. No. 174

Notes: _____

4. Consideration of item(s), if any, removed from Consent Calendar

Notes: _____

PUBLIC HEARINGS

5. Public hearing regarding a resolution granting a conditional use permit for a building addition and restaurant expansion and a variance for a reduced parking setback at 7514 Lyndale Avenue

Staff Report No. 175

Notes: _____

6. Public hearing and second reading of an ordinance establishing a six-month moratorium on consideration of medical marijuana distribution facilities and a resolution authorizing the summary publication of the ordinance

Staff Report No. 176

Notes: _____

7. Public hearing regarding a resolution adopting the special assessment roll for weed elimination from private property and the removal or elimination of public health or safety hazards from private property

Staff Report No. 177

Notes: _____

8. Public hearing regarding a resolution adopting the special assessment roll for unpaid false alarm user fees against private property

Staff Report No. 178

Notes: _____

9. Conduct and continue the public hearing to October 28, 2014 regarding a resolution proposing to assess commercial properties in the 77th Street assessment district for costs incurred to maintain the area for 2013 and a resolution proposing a similar assessment process to be implemented for 2015

Staff Report No. 179

Notes: _____

10. Public hearing regarding a resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2013 through December 31, 2013

Staff Report No. 180

Notes: _____

11. Public hearing regarding a resolution proposing to assess commercial properties in the Lyndale/HUB/Nicollet (LHN) district for costs incurred to maintain the area for 2013 and a resolution proposing a similar assessment process to be implemented in 2015

Staff Report No. 181

Notes: _____

RESOLUTION

12. Consideration of a resolution granting extension of land use approvals at 6330, 6400 and 6440 Lyndale Avenue

Staff Report No. 182

Notes: _____

CITY MANAGER'S REPORT

13. City Manager's Report

Notes: _____

14. Claims and payroll

Open forum (additional 15 minutes if more time needed after first Open Forum and by majority vote of the City Council)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Notes: _____

15. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

October 8, 2014

Council Memorandum No. 93

The Honorable Mayor
and
Members of the City Council

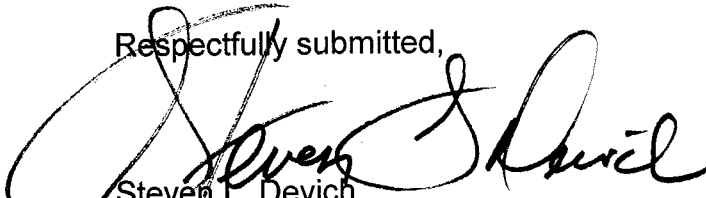
Subject: 2015 Utility Budget Review and Intersections on 66th Street
(Worksession Agenda Items No. 1 & 2)

Council Members:

At the upcoming City Council worksession two items will be discussed:

1. 2015 Utility Budget Review – The 2015 City Budget was reviewed at the September 23, 2014 City Council Worksession. Review of the 2014 Revised and 2015 Proposed Utility Division Budgets was delayed until the Metropolitan Council Environmental Services Division released their proposed 2015 Wastewater charges. City staff now has the figures from the Met Council. City staff will also review the proposed 2015 Street Light User Fee.
2. Intersections on 66th Street – To date the Transportation Commission, the City Council, and the community at large have been reviewing the possible options for the roadway mainlines and have not addressed intersection options. City staff would like to introduce the topic of intersections before proceeding with more detailed analysis and discussion. City staff introduced this topic to the Transportation Commission at their October 1 meeting.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:MJE

Email: Department Directors
Assistant City Manager



CITY COUNCIL MINUTES

Richfield, Minnesota

Special City Council Worksession

September 23, 2014

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 5:45 p.m. in the Heredia Room.

Council Members Present: Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

Staff Present: Mike Eastling, Acting City Manager; Kristin Asher, Assistant Public Works Director; Robert Hintgen, Utilities Superintendent; Jeff Pearson, Transportation Engineer; and Cheryl Krumholz, Executive Coordinator.

Item # 1	DISCUSSION REGARDING THE METROPOLITAN AREA MASTER WATER SUPPLY PLAN (COUNCIL MEMO NO. 91)
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Acting City Manager Eastling discussed the City's perspective on the proposed plan, including concerns that the plan is heading towards a recommendation that moves to either a dual supply source with surface water and groundwater or to a solely surface water supply.

Jason Maeckel, DNR representative, presented the DNR's perspective on the proposed plan.

Ali Ellhassan, Metropolitan Council representative, presented the Met Council's perspective on the proposed plan

Item # 2	DISCUSSION REGARDING THE DRAFT TRANSPORTATION POLICY PLAN COMMENTS (COUNCIL MEMO NO. 91)
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Transportation Engineer Pearson reviewed the draft comments.

The City Council agreed with the comments and directed staff to proceed.

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:57 p.m.

Date Approved: October 14, 2014

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Mike Eastling
Acting City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

September 23, 2014

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:03 p.m. in the Council Chambers.

Members Present: Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; Mike Eastling, Public Works Director; Jim Topitzhofer, Recreation Services Director; Jay Henthorne, Acting Public Safety Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Kristin Asher, Assistant Public Works Director; Chris Link, Public Works Operations Superintendent; Mary Tietjen City Attorney; and Cheryl Krumholz, Executive Coordinator.

OPEN FORUM

Susan Rosenberg, 6633 Thomas Avenue, announced the League of Women Voters Candidate Forum on September 27, 2014.

Linda Nemitz, 7638 Thomas Avenue, expressed concern about electric pole replacement.

PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Elliott, S/Garcia to approve the minutes of the (1) Special City Council Meeting of September 3, 2014; (2) Special City Council Worksession of September 9, 2014; (3) Regular City Council Meeting of September 9, 2014; (4) Special City Council Worksession of September 9, 2014; (5) Special City Council Worksession of September 15, 2014; and (6) Special Concurrent City Council and HRA Worksession of September 15, 2014.

Motion carried 5-0.

Item #1

PRESENTATION REGARDING THE TRIBUTE TO RICHFIELD'S PERFORMING ARTS

Rick Jabs, Bandshell Task Force Chair, announced the bandshell fundraising event, "Tribute to Richfield's Performing Arts" on October 5, 2014.

Recreation Services Director Topitzhofer provided a bandshell update, including a recently received preliminary soil boring report that indicates challenges with the soil. He stated the October 8 public meeting to present the site plan and gather feedback on the bandshell project has been postponed to allow more time for analysis of the soil report.

Item #2	PRESENTATION REGARDING RICHFIELD CONNECT
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Operations Superintendent Link presented Richfield Connect, an on-line resource to connect with the community and gain feedback to help guide decision-makers on a variety of issues.

Item #3	COUNCIL DISCUSSION <ul style="list-style-type: none">• Reschedule November 11, 2014 Regular City Council Meeting• Hats Off to Hometown Hits
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M/Sandahl, S/Goettel to reschedule the November 11, 2014 Regular City Council Meeting to Monday, November 10, 2014.

Council Member Elliott said he would abstain because he would be out of the City.

Motion carried 4-0. (Elliott abstain)

Council Member Fitzhenry provided a Noise Oversight Committee update.

The City Council acknowledged the success of the recent Penn Fest event.

Council Member Garcia announced the Wheel of Fun Rental and Pumpkin Patch activities at Veterans Memorial Park.

Mayor Goettel announced the October 9 Richfield Foundation Autumn Wine and Cheese Gathering.

Item #4	COUNCIL APPROVAL OF AGENDA
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M/Fitzhenry, S/Sandahl to approve the agenda.

Motion carried 5-0.

Item #5	CONSENT CALENDAR
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- A. Consideration of the approval of the resolution designating the City's contribution toward health, term life and dental insurance premiums for General Services and Management employees in 2015 S.R. No. 160

RESOLUTION NO. 10969

RESOLUTION DESIGNATING CITY'S CONTRIBUTION
TOWARD HEALTH, TERM LIFE, LONG-TERM DISABILITY AND DENTAL INSURANCE
PREMIUM FOR MANAGEMENT AND GENERAL SERVICES EMPLOYEES

This resolution appears as Resolution No. 10969.

- B. Consideration of the approval of the continuation of the agreement with the City of Bloomington for the provision of food inspection services for 2015 S.R. No. 161
- C. Consideration of the approval of a resolution certifying delinquent water, sanitary sewer and storm water charges to the County Auditor S.R. No. 162

RESOLUTION NO. 10970

RESOLUTION AUTHORIZING CERTIFICATION OF UNPAID WATER, SANITARY SEWER AND STORM WATER CHARGES TO THE COUNTY AUDITOR TO BE COLLECTED WITH OTHER TAXES ON SAID PROPERTIES

This resolution appears as Resolution No. 10970.

- D. Consideration of the approval of the purchase of an Ice Resurfacer in 2015 for use at the Richfield Ice Arena from Frank J. Zamboni & Co. in the amount of \$93,089.88 S.R. No. 163
- E. Consideration of the approval of the resolutions appointing election judges and high school student trainee judges for the November 4, 2014 General Election S.R. No. 164

RESOLUTION NO. 10971

RESOLUTION APPOINTING ELECTION JUDGES FOR THE GENERAL ELECTION OF NOVEMBER 4, 2014

This resolution appears as Resolution No. 10971.

RESOLUTION NO. 10972

RESOLUTION APPOINTING HIGH SCHOOL STUDENT TRAINEE ELECTION JUDGES FOR THE GENERAL ELECTION OF NOVEMBER 4, 2014

This resolution appears as Resolution No. 10972.

M/Goettel, S/Garcia to approve the Consent Calendar.

Motion carried 5-0.

Item #6	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #7	DISCIPLINARY HEARING REGARDING A RESOLUTION IMPOSING CIVIL ENFORCEMENT FOR AN ESTABLISHMENT IN RICHFIELD THAT RECENTLY UNDERWENT ALCOHOL COMPLIANCE CHECKS CONDUCTED BY RICHFIELD PUBLIC SAFETY STAFF AND FAILED BY SELLING ALCOHOL TO UNDERAGE YOUTH S.R. NO. 165
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Council Member Fitzhenry presented Staff Report No. 165.

Council Member Fitzhenry stated Mark Olson, owner, was unable to attend tonight's hearing but submitted an email to staff admitting the violation occurred and stipulating to the suspension and penalty.

M/Goettel, S/Garcia to close the disciplinary hearing.

Motion carried 5-0.

M/Fitzhenry, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 10973

RESOLUTION SUSPENDING THE OFF-SALE 3.2 MALT LIQUOR LICENSE FOR RICHFIELD US, 6744 PENN AVENUE SOUTH, AND IMPOSING A CIVIL PENALTY FOR FIRST TIME ALCOHOL COMPLIANCE FAILURE

Motion carried 5-0. This resolution appears as Resolution No. 10973.

Item #8	PUBLIC HEARING REGARDING THE ISSUANCE OF A NEW ON-SALE WINE LICENSE, WITH A PRO-RATED FEE, FOR LAST CALL OPERATING CO II., INC. D/B/A CHAMPPS AMERICANA LOCATED AT THE RICHFIELD ICE ARENA, 636 EAST 66TH STREET S.R. NO. 166
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Council Member Garcia presented Staff Report No. 166.

Scott Larson, Champps General Manager, was available for questions.

M/Fitzhenry, S/Goettel to close the public hearing.

Motion carried 5-0.

M/Garcia, S/Goettel to approve the issuance of a new on-sale wine license, with a pro-rated fee, for Last Call Operating Co II., Inc. d/b/a Champps Americana located at the Richfield Ice Arena, 636 East 66th Street.

Motion carried 5-0.

Item #9	PUBLIC HEARING REGARDING A RESOLUTION ADOPTING A 5-YEAR STREET RECONSTRUCTION PLAN AND AUTHORIZING THE ISSUANCE OF STREET RECONSTRUCTION BONDS TO FINANCE THE 2015 AND 2016 RECONSTRUCTION PROJECTS S.R. No. 167
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Council Member Sandahl presented Staff Report No. 167.

Assistant Public Works Director Asher made a presentation on the reconstruction plan, including financing.

Council Member Sandahl explained the benefit of bonding for this type of project is to spread the cost across the entire City to avoid huge tax assessments.

Heidi Gaibor, 6915 Wentworth Avenue, requested clarification on the financing for the mill and overlay, use of franchise fees and burying of utility transmission lines.

Ms. Asher explained the financing is used for County roads since they do not completely cover the cost, franchise fees are used for City streets, and a large portion of the burying of utility lines is paid by CenterPoint.

Council Member Sandahl stated there is a City ordinance that provides for the undergrounding of utility lines as opportunities arose because it reduces outages and improves aesthetics.

Kathryn Quam, 2605 West 66th Street, stated she was unclear of the purpose of the bond sale if it included 66th Street when a final decision had not been made on this reconstruction.

City Manager Devich explained tonight's resolution provides preliminary approval but the actual authority to bond will come before the City Council again with specifics.

Maxine Jeffries, 6600 Logan Avenue, said she was pleased with the recent 66th Street overlay but was concerned about truck traffic damaging the road again.

Mr. Eastling explained the County fixed the street but the traffic vibration will continue until the reconstruction.

Cal Christensen, 6600 West 66th Street, questioned eminent domain on the properties along 66th Street.

Mayor Goettel encouraged Mr. Christensen to attend the upcoming open house regarding the 66th Street reconstruction to view and discuss the revised plan to minimize property takings.

Peter McNary, 7614-10th Avenue, expressed support for the 5-year plan and questioned how long the roads would last, specifically Portland Avenue.

Ms. Asher explained the total reconstruction should last 50 years.

Luther Hanson, 7625 Garfield Avenue, stated the senior residents wanted the City Council to realize that they've been paying taxes for years and questioned why they needed to pay again. The seniors suggest a wheelage tax instead so non-residents using the streets would pay.

Mr. Eastling explained the City has no authority for a wheelage tax.

Terry Straub, 7430 Portland Avenue, stated the plan should be scaled down because it's too much money with too little benefit for most people.

Mike Ekholm, 6714 Stevens Avenue, questioned the tax impact.

M/Goettel, S/Sandahl to close the public hearing.

Motion carried 5-0.

Mayor Goettel stated reducing the boulevard and green space to fit the neighborhood should be considered but the roads need to be fixed.

Council Member Sandahl stated many of the roads to be reconstructed with bonding belong to the County and the City, County and utilities companies are working in coordination.

Council Member Fitzhenry stated that the project allows checking the infrastructure underneath the roads.

M/Sandahl, S/Elliott that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 10974

RESOLUTION ADOPTING A STREET RECONSTRUCTION PLAN AND AUTHORIZING
ISSUANCE OF STREET RECONSTRUCTION BONDS THEREUNDER

Motion carried 5-0. This resolution appears as Resolution No. 10974.

Item #10	PUBLIC HEARING TO CONSIDER THE APPLICATION FOR THE TRANSFER OF THE CABLE SYSTEM FROM COMCAST OF MINNESOTA, INC., THE EXISTING CABLE TELEVISION FRANCHISEE, TO GREATLAND CONNECTIONS, A NEWLY FORMED ENTITY THAT WILL HOLD THE CABLE SYSTEM S.R. NO. 168
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Mayor Goettel presented Staff Report No. 168.

City Manager Devich explained the process of the transfer to date and that additional information will be received and shared with the public. He added opening the public hearing is a procedural requirement.

The City Council opened the public hearing and continued the public hearing regarding the proposed transfer of control of the cable television franchise from Comcast Cable Communications, LLC to Greatland Connections until complete information concerning this proposed transfer is available to the City Council for consideration.

Item #11	CONSIDERATION OF A RESOLUTION AND CONDUCT A FIRST READING OF AN ORDINANCE ESTABLISHING A SIX-MONTH MORATORIUM ON THE CONSIDERATION OF MEDICAL MARIJUANA DISTRIBUTION FACILITIES AND SCHEDULE A PUBLIC HEARING AND SECOND READING OF THE ORDINANCE FOR OCTOBER 14, 2014 S.R. NO. 169
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Council Member Elliott presented Staff Report No. 169.

M/Elliott, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 10975

RESOLUTION ESTABLISHING A MORATORIUM ON THE CONSIDERATION OF
MEDICAL MARIJUANA DISTRIBUTION FACILITIES,
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED

City Attorney Tietjen explained the State law requirements related to manufacturers and distribution facilities. She stated the moratorium will allow time for staff to review this matter from zoning perspectives and licensing regulations and can be extended if more time is needed.

Motion carried 5-0. This resolution appears as Resolution No. 10975.

Item #12	CITY MANAGER'S REPORT
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None.

Item #13	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank		09/23/14
A/P Checks: 234392-234875	\$	2,157,326.99
Payroll: 104363-104703	\$	544,649.02
TOTAL	\$	2,701,976.01

Motion carried 5-0.

OPEN FORUM

None.

Item #14	SPECIAL CITY COUNCIL CLOSED EXECUTIVE SESSION IN THE BABCOCK CONFERENCE ROOM REGARDING MEETING WITH OUTSIDE COUNSEL TO DISCUSS THE STATUS OF LITIGATION (GREG PETERSON, SOUPHANNY DEAN, BRIAN ROGGE AND JEFF HATZENBELLER V. CITY OF RICHFIELD)
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City Attorney Tietjen stated the Closed Session is held pursuant to M.S. 13D.05, Subd. 3 related to attorney-client privilege and litigation currently pending in court.

The City Council adjourned to the Closed Executive Session in the Babcock Conference Room at 8:50 p.m.

The closed executive session was called to order by Mayor Goettel at 8:53 p.m. in the Babcock Room.

Members Present: Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; Jay Henthorne, Acting Public Safety Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Mary Tietjen City Attorney; Julie Fleming-Wolfe, outside counsel.

The Closed Executive Session was convened pursuant to M.S. 13D.05.

The closed executive session was adjourned by unanimous consent in the Babcock Conference Room at 9:26 p.m.

Item #15	RECONVENE REGULAR CITY COUNCIL MEETING
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The meeting was called to order by Mayor Goettel in the Council Chambers at 9:27 p.m.

ADJOURNMENT

The City Council open meeting was adjourned by unanimous consent at 9:28 p.m.

Date Approved: October 14, 2014.

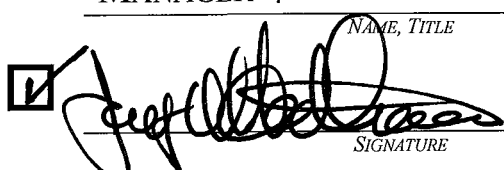
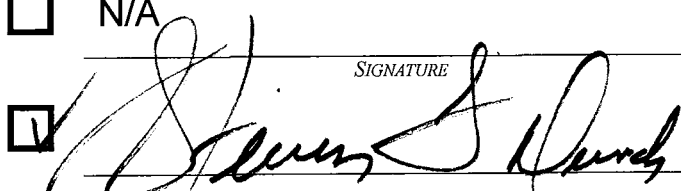
Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:	BETSY OSBORN, SUPPORT SERVICES MANAGER
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  <small>NAME, TITLE</small> <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:
Consideration of a request for a Temporary On-Sale Intoxicating Liquor license for the St. Nicholas Episcopal Church, 7227 Penn Avenue South, for their Fall Fiesta Auction scheduled to take place on November 1, 2014.

I. RECOMMENDED ACTION:
By Motion: Approve the request by St. Nicholas Episcopal Church for a Temporary On-Sale Intoxicating Liquor license for their Fall Fiesta Auction scheduled to take place on November 1, 2014.

II. EXECUTIVE SUMMARY

The St. Nicholas Episcopal Church is requesting a Temporary On-Sale Intoxicating Liquor license for their Fall Fiesta Auction scheduled to take place on November 1, 2014.

The event will take place from 6:30 p.m. to 9:00 p.m. The request is to serve wine and 3.2 percent malt liquor only. All required information, documents and licensing fees have been received.

The Public Safety department has reviewed all required information and has not found any basis for denial. The City Council has previously granted this license in conjunction with this event.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- Application materials for a Temporary Intoxicating Liquor license were received by the City on August 18, 2014, from St. Nicholas Episcopal Church for their Fall Fiesta Auction scheduled to take place on November 1, 2014.
- The applicant has requested a Temporary Intoxicating Liquor license to serve wine and 3.2 percent malt liquor from 6:30 p.m. to 9:00 p.m. No other intoxicating beverages will be permitted.
- They will be serving pre-packaged foods from Costco during the auction.

B. POLICY

- Richfield City Code Section 1202 requires applicants of Temporary On-Sale Intoxicating Liquor licenses to comply with all the provisions of both City Codes and State Statutes.

C. CRITICAL TIMING ISSUES

- The service of wine and 3.2 percent malt liquor will be allowed only during the specified time of 6:30 p.m. to 9:00 p.m. on November 1, 2014.

D. FINANCIAL

- The required licensing fees have been received.

E. LEGAL

- The required proof of liability insurance coverage has been submitted showing The Church Insurance Company of Vermont affording the coverage.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations.

IV. ALTERNATIVE RECOMMENDATION(S)

- Deny the request for a Temporary On-Sale Intoxicating liquor license for the St. Nicholas Episcopal Church. This would mean the applicant would not be able to serve wine or 3.2 percent malt liquor. However, the Public Safety Department has not found any basis for denial.

V. ATTACHMENTS

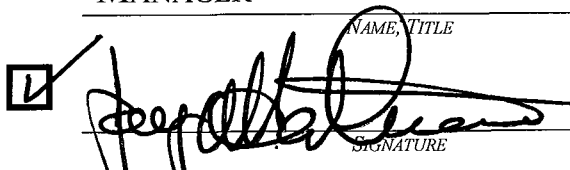

- There are no attachments.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Committee member Maggie Ingalls has been notified of the date of this meeting.



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:	BETSY OSBORN, SUPPORT SERVICES MANAGER
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  NAME, TITLE SIGNATURE
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/> N/A SIGNATURE
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  SIGNATURE

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a request for a Temporary On-Sale Intoxicating Liquor license for the Church of St. Richard, 7540 Penn Avenue South, for their Novemberfest event scheduled to take place November 8 - 9, 2014.

I. RECOMMENDED ACTION:

By Motion: Approve the request by the Church of St. Richard for a Temporary On-Sale Intoxicating Liquor license for their Novemberfest event scheduled to take place November 8 - 9, 2014.

II. EXECUTIVE SUMMARY

The Church of St. Richard is requesting a Temporary On-Sale Intoxicating Liquor license for their Novemberfest event scheduled to take place on November 8, 2014 and November 9, 2014. All required information, documents and licensing fees have been provided.

They will serve wine and 3.2 percent malt liquor from 6:30 p.m. to 9:30 p.m. on November 8, 2014 only. They will be serving an assortment of breakfast, lunch and dinner items throughout the entire event taking place from 9:00 a.m. to 10:00 pm November 8, 2014 and 9:00a.m. to 1:00 p.m. on November 9, 2014.

The Public Safety department has reviewed all required information and documents and has not found any basis for denial. The City Council has previously granted this license in conjunction with this event.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- Application materials for a Temporary On-Sale Intoxicating Liquor license were received by the City on July 28, 2014, from the Church of St. Richard for their Novemberfest event scheduled to take place November 8 - 9, 2014.
- The applicant has requested a Temporary On-Sale Intoxicating Liquor license to serve wine and 3.2 percent malt liquor on November 8, 2014 only, during the hours of 6:30 p.m. to 9:30 p.m. No other intoxicating beverages will be permitted.
- They will serve pancakes, sausage, pie, donuts, cookies, hot dogs, egg rolls, nachos, chips, popcorn, pulled pork sandwiches, spaghetti and garlic bread. Food will be served both days of the event, from 9:00 a.m. to 10:00 p.m. November 8, 2014 and from 9:00 a.m. to 1:00 p.m. November 9, 2014.
- The Church of St. Richard has contacted food sanitarians from the City of Bloomington to ensure proper food handling practices are followed.

B. POLICY

- Richfield City Code Section 1202 requires applicants of temporary on-sale intoxicating liquor licenses to comply with all of the provisions of both City Codes and State Statutes.

C. CRITICAL TIMING ISSUES

- Service of wine and 3.2 percent malt liquor will be allowed only during the specified time of 6:30 p.m. to 9:30 p.m. on November 8, 2014.

D. FINANCIAL

- The required licensing fees have been received.

E. LEGAL

- The required proof of liability insurance coverage has been submitted showing The Catholic Mutual Relief Society of America affording the coverage.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations.

IV. ALTERNATIVE RECOMMENDATION(S)

- Deny the request for a temporary on-sale intoxicating liquor license for the Church of St. Richard. This would mean the applicant would not be able to serve wine or 3.2 percent malt liquor. However, the Public Safety department has not found any basis for denial.

V. ATTACHMENTS

- There are no attachments.

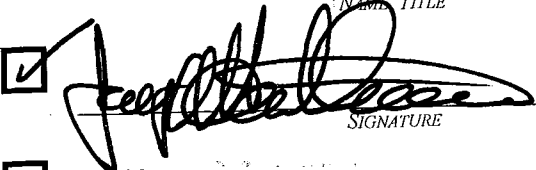
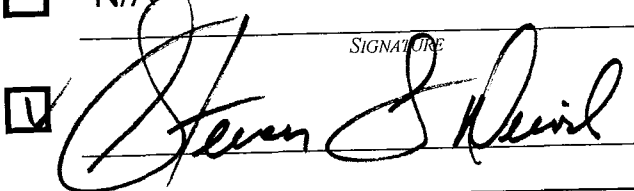
VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Church of St. Richard Parish Administrator, Sheryl Rose, has been notified of the date of this meeting.



STAFF REPORT

CITY COUNCIL MEETING

REPORT PREPARED BY:	JAY HENTHORNE, ACTING PUBLIC SAFETY DIRECTOR/POLICE CHIEF
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  NAME TITLE SIGNATURE
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/> N/A SIGNATURE
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  SIGNATURE

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the renewal of the contract with Chief's Towing, Inc. for Public Safety towing services for December 1, 2014, through November 30, 2015.

I. RECOMMENDED ACTION:

- By Motion: Approve the renewal of the attached contract for Public Safety towing services, December 1, 2014, through November 30, 2015, between the City of Richfield and Chief's Towing, Inc., 8610 Harriet Avenue South, Bloomington, MN.
- Prices will reflect a 1.5% cost of living increase in fees for all services except the fees for forfeited vehicles which will not increase.

II. EXECUTIVE SUMMARY

The City of Richfield requires the services of a towing contractor to tow impounded vehicles/trailers as well as vehicles parked illegally during snow ordinance violations, etc. The contract with Chief's Towing expires November 30, 2014. They are requesting a 1.5% increase for services provided for the 2015 contract period. This increase represents the increase in the cost of services they provide according to the Bureau of Labor Statistics Consumer Price Index.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

The City currently has a contract with Chief's Towing, Inc. for Public Safety towing services. Chief's Towing, Inc. was awarded the contract for 2014 and would like to renew the contract for the year 2015, as the contract expires on November 30, 2014. The contract can be automatically renewed if both parties agree to the renewal and if Chief's notifies the City in writing 30 days in advance of the expiration of the contract that they wish to renew.

B. POLICY

- Chief's notified the City that they wish to renew the contract for 2014-2015.
- The Public Safety Department wishes to renew the contract with Chief's Towing, Inc.
- Contracts for services need not be competitively bid.
- The contract has numerous conditions that must be met. Chief's Towing, Inc. is a reputable, established towing business that meets all contract requirements.

C. CRITICAL TIMING ISSUES

- A six-month notice must be given by either party in writing to terminate the contract.
- On December 1, 2014, Public Safety must have towing services. This is particularly important with the possibility of snow ordinance violations occurring at any time.
- Chief's is a large towing company that can handle the needs of Public Safety regarding seizure/impound vehicles and comply with City ordinances that a smaller company could not handle effectively.

D. FINANCIAL

- The current contract with Chief's reflects rates from 2013-2014. Rates will increase 1.5% for the period December 1, 2014 – November 30, 2015, with the exception of the forfeited vehicle fees which will not increase, per the attached letter from Jeffery Schoenborn, General Manager of Chief's Towing.
- There is adequate funding in the Public Safety budget to cover the costs.

E. LEGAL

- The City Attorney has reviewed and approved the past contract with Chief's Towing, Inc.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

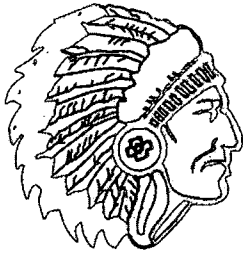
- Do not sign the contract. However, Public Safety must have towing and impounding services beginning December 1, 2014.

V. ATTACHMENTS

- Jeff Schoenborn's (Chief's Towing) Letter
- Price Sheet for Towing, Impounding & Storage (Exhibit A)
- 2014-2015 Agreement with Chief's Towing, Inc.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None



Chief's Towing, Inc
8610 Harriet Ave. South
Bloomington, MN 55420
ph 952-888-2201 watts 800-888-2201

August 13, 2014

City of Richfield
Richfield Public Safety Department
Deputy Chief Jay Henthorne
6700 Portland Avenue South
Richfield, MN 55423

RE: CONTRACT FOR TOWING OF CITY VEHICLES, IMPOUNDING AND STORAGE OF MOTOR VEHICLES
CONTRACT DECEMBER 1, 2014 THRU NOVEMBER 30, 2015.

Dear Mr. Henthorne;

Chief's Towing, Inc. would like to take this opportunity to thank you for allowing us to perform the towing, impounding and storage of motor vehicles for the City of Richfield this past year. We would like to extend the contract for an additional (1) year period if such an extension is approved by the Richfield City Council.

According to the Bureau of Labor Statistics Consumer Price Index for the services we provide the cost of living increase rate is 1.5%. This will be the increase we are requesting for services from December 1, 2014 thru November 30, 2015

Below is a link to the Bureau of Labor and Statistics
<http://www.bls.gov/news.release/cpi.nr0.htm>

Attached is a list of those services showing the rates to be charged.

Sincerely,

Jeffery R. Schoenborn
Chief's Towing, Inc.
General Manager

City of Richfield, MN
REVISED PROPOSAL
FOR TOWING, IMPOUNDING AND STORAGE OF VEHICLES

	<u>Current</u> 12/1/2013 thru 11/30/2014	<u>Proposed</u> 12/1/2014 thru 11/30/2015
Towing of impounded cars, trucks (under 1 ½ ton capacity), Motorcycles, all-terrain vehicles, snowmobiles and unattended Utility trailers towed within the City of Richfield.....	\$ 87.30	\$ 88.60
Towing charge for the same from outside the City of Richfield	\$ 87.30	\$ 88.60
Mileage charge for same	\$ 3.50	\$ 3.55
Towing of trucks (larger than 1 ton capacity) within the City of Richfield	\$146.40	\$ 148.50
Towing charge for same outside the City of Richfield	\$146.40	\$ 148.50
Mileage charge for same	\$ 3.50	\$ 3.55
Use of Winch with a tow		
Car (Per hour)	\$ 21.80	\$ 22.10
Truck (Per hour)	\$ 36.10	\$ 36.65
Use of Dolly	\$ 21.80	\$ 22.10
Use of low-bed trailer or truck (flatbed required)	\$ 109.20	\$ 110.85
Storage Charges		
First 24 hours or fraction thereof:		
Inside Storage	\$ 39.20	\$ 39.80
Outside Storage.....	\$ 28.40	\$ 29.30
Each additional 24 hours of fraction thereof:		
Inside Storage.....	\$ 39.20	\$ 40.45
Outside Storage	\$ 28.40	\$ 28.80
<u>Forfeitures</u>		
Vehicles forfeited to the City of Richfield	\$152.00 no change	\$ 152.00
<u>City owned vehicles</u>		
Towing city owned vehicle less than 1 ton within city of Richfield	\$ 42.50	\$ 43.15
43Mileage charge for same outside city	\$ 3.50	\$ 3.55

* Cents are rounded to the nearest nickel*

**AGREEMENT BETWEEN THE CITY OF RICHFIELD AND
CHIEF'S TOWING, INC. FOR TOWING,
IMPOUNDING AND STORAGE OF MOTOR VEHICLES.**

THIS AGREEMENT is made this 30th day of November, 2014, between the City of Richfield, a Minnesota municipal corporation located at 6700 Portland Avenue South, Richfield, Minnesota 55423 (hereinafter referred to as the "City"), and Chief's Towing, Inc., located at 8610 Harriet Avenue South (hereinafter referred to as the "Contractor").

WITNESSETH

WHEREAS, the City has a need to contract for the towing, impounding and storage of motor vehicles; and

WHEREAS, the City requires that the towing operators are located within three (3) miles of the City limits; and

WHEREAS, the Contractor is the operator of a towing and storage facility within three (3) miles of the City limits and has the expertise and capabilities to provide the required services;

NOW THEREFORE, in consideration of the terms and conditions expressed herein, the parties agree as follows:

I. TERM OF AGREEMENT

The term of this Agreement shall be from December 1, 2014, to November 30, 2015, subject to termination as provided in Subdivision V.

II. DUTIES OF CONTRACTOR

- A. The Contractor shall tow, impound, and store all motor vehicles, which are ordered removed under the direction of the police chief, or the fire chief, of the City of Richfield or their authorized and legal representatives. The Contractor shall be entitled to a charge for its towing and storage services pursuant to those fees specified in the Contractor's Proposal (Exhibit B). It is agreed that neither the City nor the Richfield Police Department is responsible for any charges as a result of towing and/or storage, with the exception of those vehicles identified by the Police as subject to forfeiture, and that the Contractor assumes liability for any unpaid charges.
- B. The Contractor agrees to provide the services, as proposed, and perform all other terms and conditions according to the City's Specifications and the Contractor's Proposal, incorporated by reference herein as Exhibit A and Exhibit B.
- C. The Contractor shall defend, indemnify and hold harmless, the City of Richfield, its officials, employees and agents, from any and all claims, causes of action, lawsuits, damages, losses, or expenses, including attorney fees, arising out of or resulting from the Contractor's (including its officials, agents or employees), performance of the duties required under this Agreement, provided that any such claim, damages, loss or expense is attributable to bodily injury, sickness, diseases or death or to injury to or destruction of property including the loss of use resulting therefrom and is caused in whole or in part by any negligent act or omission or willful misconduct of Contractor.

D. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of copartners between the parties hereto or as constituting the Contractor's staff as the agents, representatives or employees of the City for any purpose in any manner whatsoever. The Contractor and its staff are to be and shall remain an independent contractor with respect to all services performed under this Agreement. The Contractor represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of the Contractor or other persons, while engaged in the performance of any work or services required by the Contractor under this Agreement, shall have no contractual relationship with the City and shall not be considered employees of the City, and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of said personnel or other persons while so engaged, and any and all claims whatsoever on behalf of any such person or personnel arising out of employment or alleged employment including, without limitation, claims of discrimination against the Contractor, its officers, agents, contractors or employees shall in no way be the responsibility of the City; and the Contractor shall defend, indemnify and hold the City, its officers, agents and employees harmless from any and all such claims regardless of any determination of any pertinent tribunal, agency, board, commission or court. Such personnel or other persons shall not require nor be entitled to

any compensation, rights or benefits of any kind whatsoever from the City, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensation, Unemployment Compensation, disability, severance pay and PERA.

E. The parties agree to comply with the Minnesota State Human Rights Act, Minnesota Statutes, Section 363.

F. The Contractor agrees to maintain for the full term of this Agreement, the following minimum insurance coverage:

a) \$1,000,000.00 Comprehensive General Liability insurance, Business Auto Policy with \$1,000,000.00 limits and Garage Keeper's Legal Liability.

b) Workers' Compensation insurance covering all employees of the Contractor, or his agents, in accordance with the Minnesota Workers' Compensation Law.

Certifications of insurance must be filed with the City and shall include a provision that states the insurance company shall give the City at least 25 days written notice prior to cancellation, non-renewal, or any material change in the policy. The Contractor further agrees to name the City of Richfield as additional insured on said comprehensive general liability policy.

G. The Contractor agrees to furnish on or before the date this Agreement becomes effective, an acceptable corporate surety bond in the amount of \$10,000, payable to the City of Richfield and subject to approval by the

Richfield City Attorney, for the faithful performance of all duties and obligations imposed under the terms and conditions of the Agreement.

III. DUTIES OF THE CITY

The City agrees to pay the Contractor the flat rate charge of \$152.00 per vehicle for the towing and storage of vehicles identified by the Police Department as subject to forfeiture and which are subsequently released to the Police Department.

IV. MISCELLANEOUS

- A. This agreement represents the entire Agreement between the Contractor and the City and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof; and amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be in writing and signed by both parties.
- B. The Contractor agrees to comply with the Americans With Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and not discriminate on the basis of disability in the admission or access to, or treatment of employment in its services, programs, or activities. The Contractor agrees to hold harmless and indemnify the City from costs, including but not limited to damages, attorney's fees and staff time, in any action or proceeding brought, alleging a violation of ADA and/or Section 504 caused by the Contractor. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all services, programs and activities. The City has designated coordinators to facilitate compliance with the Americans with

Disabilities Act of 1990, as required by Section 35.107 of the U.S.

Department of Justice regulations, and to coordinate compliance with Section 504 of the Rehabilitation Act of 1973, as mandated by Section 8.53 of the U.S. Department of Housing and Urban Development regulations.

- C. The Contractor will comply with all applicable provisions of the Minnesota Government Data Practices Act, Chapter 13 of the Minnesota Statutes. The Contractor agrees to comply with all applicable local, state and federal laws, rules and regulations in the performance of the duties of this contract.
- D. This Agreement shall not be assignable except at the written consent of the City.
- E. The books, records, documents, and accounting procedures of the Contractor, relevant to this Agreement, are subject to examination by the City, and either the legislative or state auditor as appropriate, pursuant to Minnesota Statutes, Section 168.06, Subdivision 4.
- F. The City and the Contractor agree to submit all claims, disputes and other matters in question between the parties arising out of or relating to this Agreement to mediation. The mediation shall be conducted through the Mediation Center, 1821 University Avenue, St. Paul, Minnesota. The parties hereto shall decide whether mediation shall be binding or non-binding. If the parties cannot reach agreement, mediation shall be non-binding. In the event mediation is unsuccessful, either party may exercise its legal or equitable remedies and commence such action prior to the expiration of the applicable statute of limitations.

V. TERMINATION

Either party may terminate this Agreement for any reason upon giving six (6) months advanced written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed the day and year first above written.

CITY OF RICHFIELD

DATED: _____

BY: _____
Its Mayor

DATED: _____

BY: _____
Its Manager

CHIEF'S TOWING, INC.

DATED: _____

BY: _____

Its: _____



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:

JEFF PEARSON

TRANSPORTATION ENGINEER

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



MJE

SIGNATURE

OTHER DEPARTMENT REVIEW:



N/A

SIGNATURE

REVIEWED BY CITY MANAGER:



Steven J. Reinl

ITEM FOR COUNCIL CONSIDERATION:

Consideration of resolutions approving sale of portions of land at 6314 17th Avenue, 6320 17th Avenue, and 6408 17th Avenue.

I. RECOMMENDED ACTION:

By Motion:

- 1. Approve the attached resolution approving sale of land located at 6314 17th Avenue.**
- 2. Approve the attached resolution approving sale of land located at 6320 17th Avenue.**
- 3. Approve the attached resolution approving sale of land located at 6408 17th Avenue**

II. EXECUTIVE SUMMARY

The City condemned property at 6314 17th Avenue, 6320 17th Avenue, and 6408 17th Avenue for right-of-way as part of the North Richfield Parkway Project. The portions of the property described in the attached legal descriptions are not required for the Project and is not anticipated to be needed in the future for any public use. Since the properties are no longer needed for future public use, the City of Richfield intends to convey the properties to the HRA for use as future development.

However, the City is required to first offer sale of the properties to the former owners at current fair market value.

Approval of the attached resolutions will allow the City to offer the land to the previous owners.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- The establishment of Richfield Parkway as a vehicular and greenway corridor extending from the City's northern border is an identified goal of the Comprehensive Plan.
- The Project was ordered by City Council on February 12, 2013.
- The City had identified the need to acquire 12 properties in connection with the Richfield Parkway Improvement Project.
- 3 of the 12 properties were purchased through a condemnation process.
- The Special Assessment Bonding process was followed for the financing of the Project. Once the properties were purchased by the City, the City promised to convey the properties to the HRA for a nominal amount and the HRA would pay the annual assessment until a developer purchases the parcel.

B. POLICY

- The Replacement of Cedar Avenue by a new Richfield Parkway is identified in the Comprehensive Plan (6-19).
- Per Minn. Stat. Section 117.226, the City shall first provide a right of first refusal letter to the previous owners of the condemned property before conveying the property remnants to the HRA.

C. CRITICAL TIMING ISSUES

- In order to move forward with the special assessment process as planned, City staff would like to convey the property to the HRA in October of 2014. Adoption of the proposed resolutions at this time will keep it on schedule.

D. FINANCIAL

- There is no financial impact to authorize the sale of the parcels

E. LEGAL

- The City Attorney will be available to answer questions.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may choose to not to adopt the attached resolutions which would delay the conveyance of parcels to the HRA.

V. ATTACHMENTS

- Resolutions approving sale of land
- Exhibit A-Legal Descriptions of Properties
- Exhibit B-Parcel Sketches of Remainders

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

RESOLUTION NO. _____
A RESOLUTION APPROVING SALE OF LAND LOCATED AT
6314 17th AVENUE SOUTH BY THE CITY OF RICHFIELD

WHEREAS, the City of Richfield (“City”) owns certain property located at 6314 17th Avenue South which is described on Exhibit A attached hereto and which is depicted in Exhibit B attached hereto (“Property”);

WHEREAS, the City condemned the Property for the purpose of constructing, operating, inspecting, maintaining, repairing and reconstructing street, bikeway and trail improvements and other public improvements as part of the City’s North Richfield Parkway Project (the “Project”);

WHEREAS, the portion of the Property which is legally described on Exhibit A attached hereto and which is depicted on Exhibit B attached hereto (“Remainder”) is not required for the Project and is not anticipated to be needed in the future for any public use (as defined in Minn. Stat., Section 117.025, Subd. 11);

WHEREAS, under Minn. Stat. Section 117.226, if the governing body of the condemning authority determines that publicly owned property acquired under Minn. Stat., Chapter 117 has not been used and is no longer needed for a public use (as defined in Minn. Stat. Section 117.025, Subd. 11), the condemning authority must offer to sell the property to the former owner, if the former owner can be located, for the original price determined by the condemnation process or the current fair market value of the property, whichever is less;

WHEREAS, the City Attorney has advised the City Council that the portion of the original price as determined in the condemnation which is allocable to the Remainder is \$59,277, and that he has consulted with independent real estate appraisers concerning the current fair market value of the Remainder, and, on that basis concluded the current fair market value of the Remainder to be \$21,372 (which is less than the portion of the purchase price paid in

condemnation which is allocable to the Remainder).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield, Minnesota, hereby directs the City Attorney to offer to sell the Remainder to the former owner of the Property, Tina Oberfoell, for the current market value thereof, in accordance with and subject to the provisions of the right of first refusal offer letter on file with the City Clerk, and, if the former owner exercises the right to purchase the Remainder, authorizes the Mayor and the City Manager to execute a quitclaim deed and any other documents recommended by the City Attorney in furtherance of the conveyance of the Remainder to Tina Oberfoell as provided in said right of first refusal offer letter.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

SEAL

EXHIBIT A

Legal Description of Property

Lot 14, Block 1, Iverson's Second Addition, according to the plat thereof on file in the office of the County Recorder, Hennepin County, Minnesota

Subject to a permanent easement for right of way purposes which is reserved by Grantor over, under, and across that part of said Lot 14 which lies easterly of the following described line:

Commencing at the Southeast Corner of said Lot 14; thence South 89 degrees 41 minutes 43 seconds West, assumed bearing along the south line thereof, 13.00 feet to the point of beginning of said line to be hereinafter described; thence North 00 degrees 16 minutes 49 seconds East, 11.01 feet; thence Northwesterly along a non-tangential curve, concave to the southwest for 65.68 feet, having a radius of 152.94 feet, central angle of 24 degrees 36 minutes 22 seconds, chord bearing of North 11 degrees 16 minutes 07 seconds West, and a chord distance of 65.18 feet to the north line of said Lot 14 and there terminating.

AND

Subject to a permanent easement for drainage and utility purposes which is reserved by Grantor over, under and across that part of said Lot 14 which lies westerly of Line A and easterly of a line drawn parallel with and 5.00 feet westerly of said Line A described as follows:

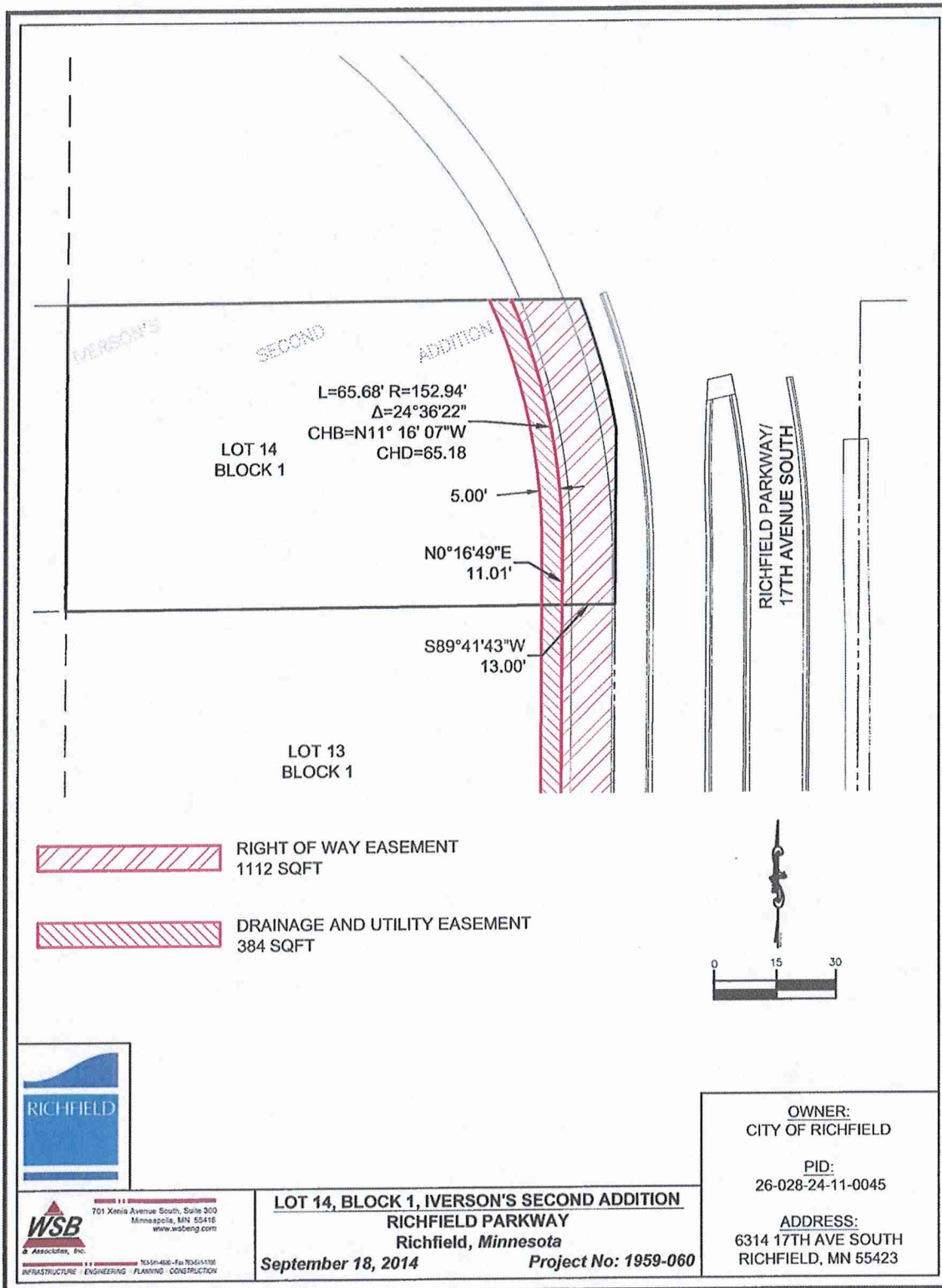
Commencing at the Southeast Corner of said Lot 14; thence South 89 degrees 41 minutes 43 seconds West, assumed bearing along the south line thereof, 13.00 feet to the point of beginning of said Line A to be hereinafter described; thence North 00 degrees 16 minutes 49 seconds East, 11.01 feet; thence Northwesterly along a non-tangential curve, concave to the southwest for 65.68 feet, having a radius of 152.94 feet, central angle of 24 degrees 36 minutes 22 seconds, chord bearing of North 11 degrees 16 minutes 07 seconds West, and a chord distance of 65.18 feet to the north line of said Lot 14 and there terminating. The west line of said permanent easement shall extend to the north and south lines of said Lot 14.

AND

Subject to a prohibition against all ingress and egress from and to said Lot 14 from North Richfield Parkway which is hereby reserved by and enforceable by Grantor, its successors and assigns.

EXHIBIT B

Parcel Sketch of Remainder



RESOLUTION NO. _____
A RESOLUTION APPROVING SALE OF LAND LOCATED AT
6320 17th AVENUE SOUTH BY THE CITY OF RICHFIELD

WHEREAS, the City of Richfield (“City”) owns certain property located at 6320 17th Avenue South which is described on Exhibit A attached hereto and which is depicted in Exhibit B attached hereto (“Property”);

WHEREAS, the City condemned the Property for the purpose of constructing, operating, inspecting, maintaining, repairing and reconstructing street, bikeway and trail improvements and other public improvements as part of the City’s North Richfield Parkway Project (the “Project”);

WHEREAS, the portion of the Property which is legally described on Exhibit A attached hereto and which is depicted on Exhibit B attached hereto (“Remainder”) is not required for the Project and is not anticipated to be needed in the future for any public use (as defined in Minn. Stat., Section 117.025, Subd. 11);

WHEREAS, under Minn. Stat. Section 117.226, if the governing body of the condemning authority determines that publicly owned property acquired under Minn. Stat., Chapter 117 has not been used and is no longer needed for a public use (as defined in Minn. Stat. Section 117.025, Subd. 11), the condemning authority must offer to sell the property to the former owner, if the former owner can be located, for the original price determined by the condemnation process or the current fair market value of the property, whichever is less;

WHEREAS, the City Attorney has advised the City Council that the portion of the original price as determined in the condemnation which is allocable to the Remainder is \$63,889, and that he has consulted with independent real estate appraisers concerning the current fair market value of the Remainder, and, on that basis has concluded the current fair market value of the Remainder to be \$27,107 (which is less than the portion of the purchase price paid in

condemnation which is allocable to the Remainder).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield, Minnesota, hereby directs the City Attorney to offer to sell the Remainder to the former owners of the Property, Susan M. Emery and Philip J. Emery, **for the current market value thereof**, in accordance with and subject to the provisions of the right of first refusal offer letter on file with the City Clerk, and, if the former owners exercise the right to purchase the Remainder, authorizes the Mayor and the City Manager to execute a quitclaim deed and any other documents recommended by the City Attorney in furtherance of the conveyance of the Remainder to Susan M. Emery and Philip J. Emery, as provided in said right of first refusal letter.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

SEAL

EXHIBIT A

Legal Description of Property

Lot 13, Block 1, Iverson's Second Addition, according to the plat thereof on file in the office of the County Recorder, Hennepin County, Minnesota

Subject to a permanent easement for right of way purposes which is reserved by the Grantor over, under, and across that part of said Lot 13 which lies easterly of a line parallel with and 13.0 feet westerly of the east line of said Lot 13.

AND

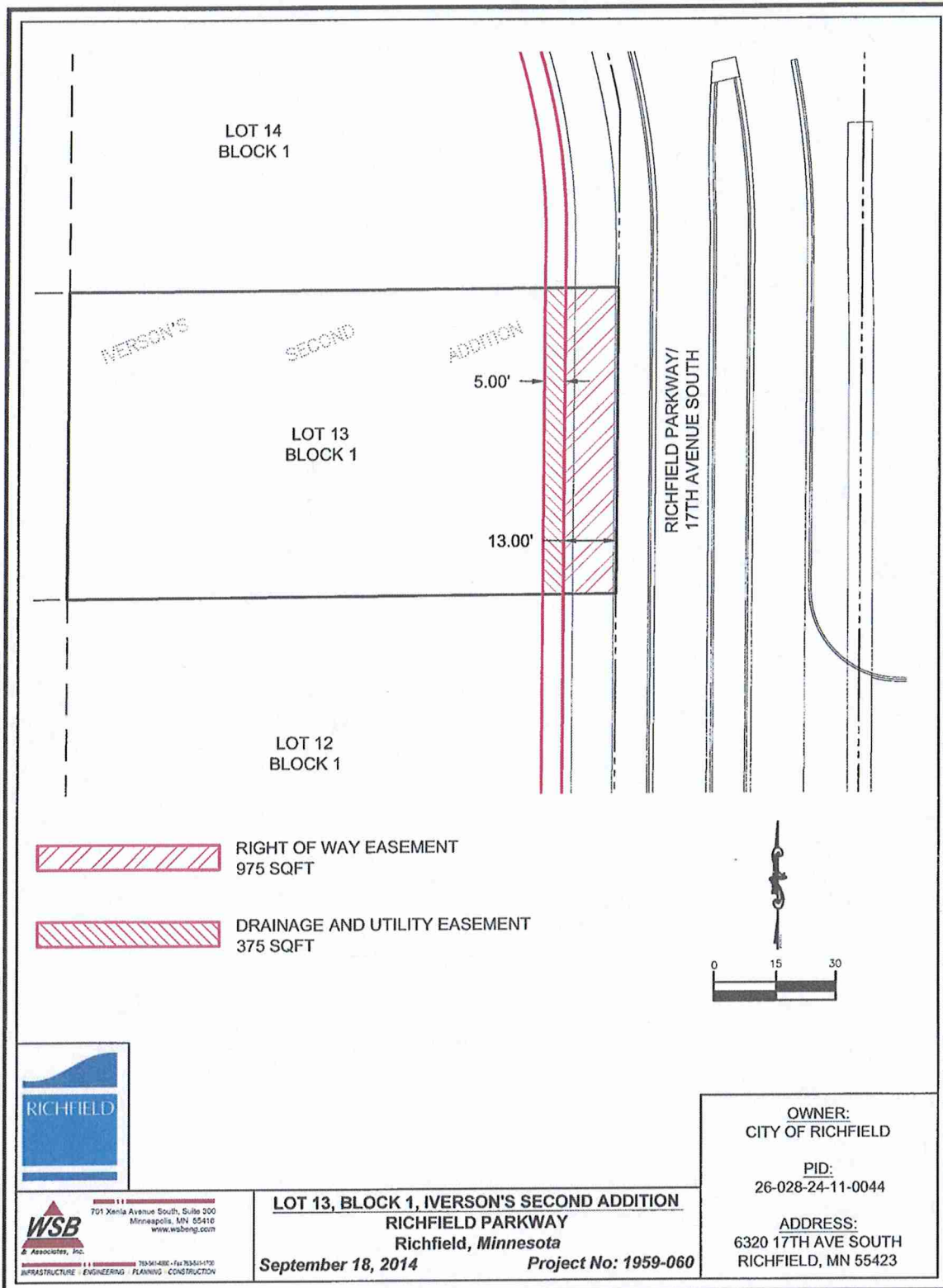
Subject to a permanent easement for drainage and utility purposes which is reserved by the Grantor over, under, and across that part of said Lot 13 which lies westerly of a line drawn parallel with and 13.0 feet westerly of the east line of said Lot 13, and easterly of a line drawn parallel with and 18.00 feet westerly of said east line.

AND

Subject to a prohibition against all ingress and egress from and to said Lot 13 from North Richfield Parkway which is hereby reserved by and enforceable by Grantor, its successors and assigns.

EXHIBIT B

Parcel Sketch of Remainder



RESOLUTION NO. _____
A RESOLUTION APPROVING SALE OF LAND LOCATED AT
6408 17th AVENUE SOUTH BY THE CITY OF RICHFIELD

WHEREAS, the City of Richfield (“City”) owns certain property located at 6408 17th Avenue South which is described on Exhibit A attached hereto and which is depicted in Exhibit B attached hereto (“Property”);

WHEREAS, the City condemned the Property for the purpose of constructing, operating, inspecting, maintaining, repairing and reconstructing street, bikeway and trail improvements and other public improvements as part of the City’s North Richfield Parkway Project (the “Project”);

WHEREAS, the portion of the Property which is legally described on Exhibit A attached hereto and which is depicted on Exhibit B attached hereto (“Remainder”) is not required for the Project and is not anticipated to be needed in the future for any public use (as defined in Minn. Stat., Section 117.025, Subd. 11);

WHEREAS, under Minn. Stat. Section 117.226, if the governing body of the condemning authority determines that publicly owned property acquired under Minn. Stat., Chapter 117 has not been used and is no longer needed for a public use (as defined in Minn. Stat. Section 117.025, Subd. 11), the condemning authority must offer to sell the property to the former owner, if the former owner can be located, for the original price determined by the condemnation process or the current fair market value of the property, whichever is less;

WHEREAS, the City Attorney has advised the City Council that the portion of the original price as determined in the condemnation which is allocable to the Remainder is \$64,456, and that he has consulted with independent real estate appraisers concerning the current fair market value of the Remainder, and, on that basis has concluded the current fair market value of the Remainder to be \$27,085 (which is less than the portion of the purchase price paid in

condemnation which is allocable to the Remainder).

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Richfield, Minnesota, hereby directs the City Attorney to offer to sell the Remainder to the former owner of the Property, Teresa Coria Rosales, **for the current market value thereof**, in accordance with and subject to the provisions of the right of first refusal offer letter on file with the City Clerk, and, if the former owner exercises the right to purchase the Remainder, authorizes the Mayor and the City Manager to execute a quitclaim deed and any other documents recommended by the City Attorney in furtherance of the conveyance of the Remainder to Teresa Coria Rosales as provided in said right of first refusal offer letter.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

SEAL

EXHIBIT A

Legal Description of Property

Lot 15, Block 2, Iverson's Second Addition, according to the plat thereof on file in the office of the County Recorder, Hennepin County, Minnesota

Subject to a permanent easement for right of way purposes which is reserved by Grantor over, under, and across that part of said Lot 15 which lies easterly of a line drawn parallel with and 13.00 feet westerly of the east line of said Lot 15.

And

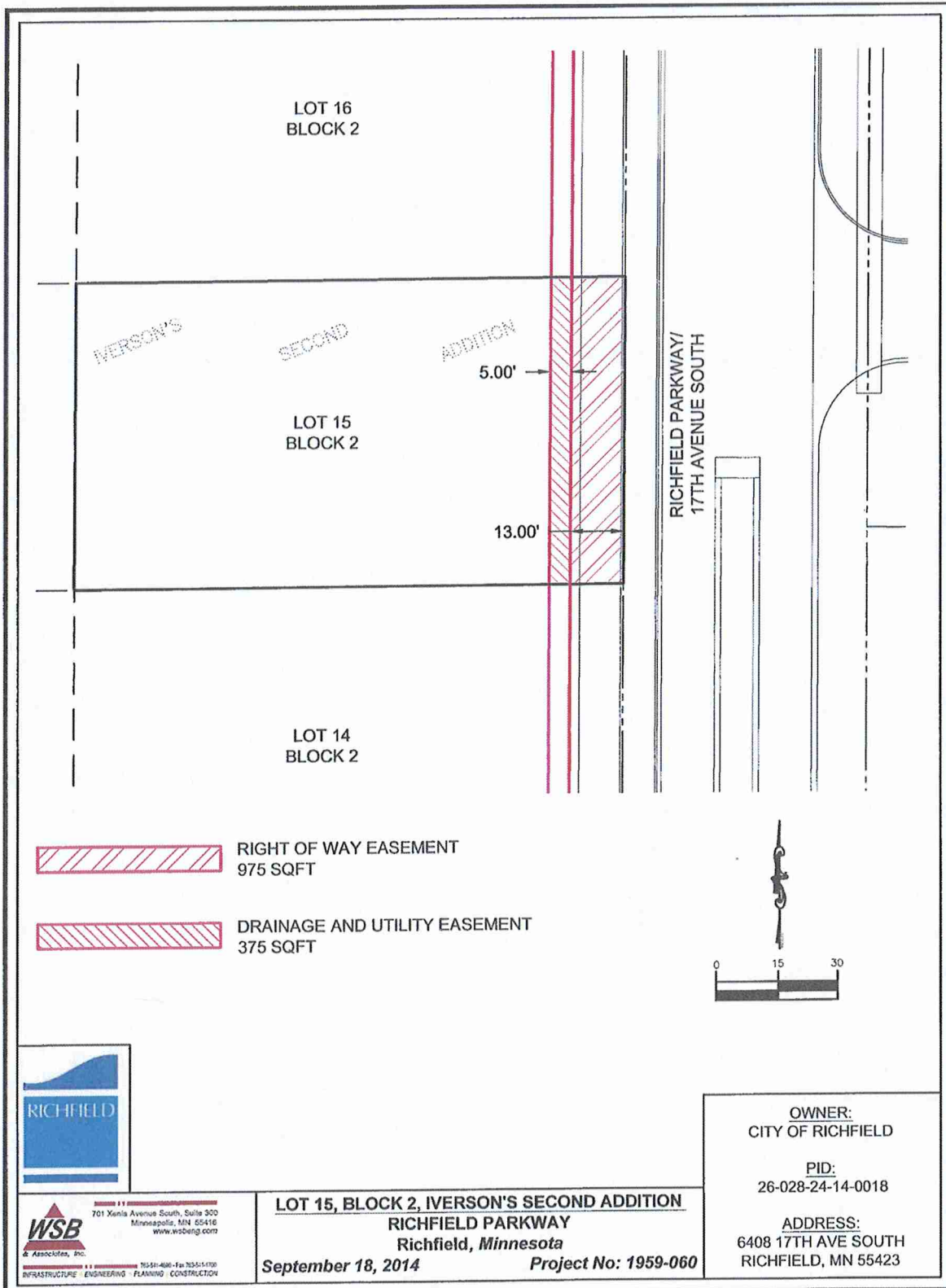
Subject to a permanent easement for drainage and utility purposes which is reserved by Grantor over, under, and across that part of said Lot 15 which lies westerly of a line drawn parallel with and 13.00 feet westerly of the east line of said Lot 15, and easterly of a line drawn parallel with and 18.00 feet westerly of said east line.

And

Subject to a prohibition against all ingress and egress from and to said Lot 15 from North Richfield Parkway which is hereby reserved by and enforceable by Grantor, its successors and assigns.

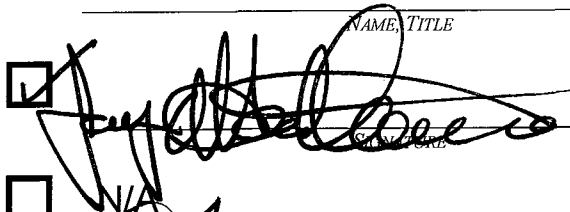
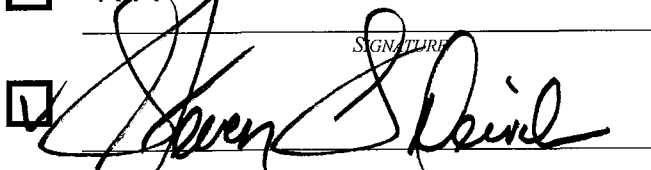
EXHIBIT B

Parcel Sketch of Remainder





STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:	BETSY OSBORN, SUPPORT SERVICES MANAGER
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  <small>NAME, TITLE</small>
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:

Consideration of approval of the 2014-2015 contract with the City of Bloomington, using public health emergency preparedness grant funds distributed by a federal grant from the Centers for Disease Control, to provide services in the area of public health emergency preparedness/bioterrorism and the development of a response system.

I. RECOMMENDED ACTION:

By Motion: Approve the 2014-2015 contract with the City of Bloomington using federal grant funds, to provide services in the area of public health emergency preparedness/bioterrorism and the development of a response system.

II. EXECUTIVE SUMMARY

The City of Richfield has had a Public Health Emergency Preparedness contract with the City of Bloomington to provide public health emergency preparedness services on Richfield's behalf for eleven years. This is our 2014-2015 contractual agreement with Bloomington that requires City Council approval.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- The State of Minnesota has received funds from the federal government (Centers for Disease Control) to be used in developing agencies' public health emergency preparedness/response to bioterrorism or a large public health disease outbreak. This is part of a nationwide effort to respond to serious public health emergencies. There are specific requirements in the grant in the areas of coordination, assessment, planning and exercise, response surveillance, Health Alert Network, risk communication training and provides services and activities to improve the mass dispensing of medicines and medical supplies through the Cities Readiness initiative.
- The City of Richfield will receive \$33,000 for the grant cycle which runs from July 1, 2014 – June 30, 2015. The contract with the City of Bloomington for this same period of time for public health emergency preparedness is in the amount of \$20,500 with a second amount of \$10,000 being passed through directly to Bloomington to meet the Cities Readiness Initiative (CRI) which is intended to be used metro wide to regionally fund public health emergency preparedness planning, exercise, training and activities. A remaining amount of \$2,500 is retained by Richfield for our staff time, training, planning and exercise in public health emergency preparedness activities.
- Richfield continues to pool these federal grant dollars with Bloomington and Edina with a portion of these funds used to support a Public Health Emergency Preparedness Coordinator for the three cities. Lisa Brodsky, Public Health Emergency Preparedness Coordinator, is representing the Tri City area (Bloomington, Edina and Richfield) and has been regularly meeting with Richfield and Edina health staff to plan and develop the requirements of the grant funds.

B. POLICY

- The City of Richfield became a Local Public Health Agency (LPHA) in 1977, which makes the City eligible to receive these grant funds to use in the development of a public health emergency response system specific to Richfield and its needs.

C. CRITICAL TIMING ISSUES

- These funds are part of a nationwide effort by the Federal government to respond to serious public health emergencies, to include threats of bioterrorism.

D. FINANCIAL

- Funds being used are those given to Richfield as a LPH agency, from the federal government, to develop a system responding to public health emergency preparedness and bioterrorism threats.

E. LEGAL

- The City must comply with the requirements of the grant in order to receive grant funds.
- The City Attorney has reviewed the contents of the contract and has approved of it.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations.

IV. ALTERNATIVE RECOMMENDATION(S)

- The City Council could decide not to approve the contract with the City of Bloomington for the services of a Public Health Emergency Preparedness Coordinator in developing a public health emergency preparedness/bioterrorism plan. This would mean that the City would have to hire a staff person to assume some of the grant's responsibilities, which cannot be met with current City staffing levels and would result in a significant budget increase.

V. ATTACHMENTS

- 2014-2015 City of Bloomington Public Health Preparedness/bioterrorism contract.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

**AMENDMENT NO. 1 TO AGREEMENT BETWEEN
THE CITIES OF BLOOMINGTON AND RICHFIELD
FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO BIOTERRORISM**

THIS IS AN AMENDMENT TO THE AGREEMENT made on this ____ day of _____, 2014, by and between the City of Bloomington, a Minnesota municipal corporation, located at 1800 West Old Shakopee Road, Bloomington, Minnesota 55431 (hereinafter referred to as "Bloomington"), and the City of Richfield, a Minnesota municipal corporation, located at 6700 Portland Avenue, Richfield, Minnesota 55423 (hereinafter referred to as "Richfield").

WITNESSETH

WHEREAS, the parties desire to extend the terms and conditions of the agreement identified as Agreement between the Cities of Bloomington and Richfield for Public Health Preparedness and Response to Bioterrorism dated December 13, 2013 (hereinafter referred to as "Original Agreement"); and

WHEREAS, Bloomington warrants and represents that its Public Health Division is a duly certified public health agency operating in accordance with all applicable federal and state requirements and has the capability to provide Public Health Emergency Preparedness Services to respond to bioterrorism, infectious diseases, and other threats to public health including, but not limited to coordination, assessment, planning and exercise, response, surveillance, Health Alert Network (HAN), and training (hereinafter referred to as "PH Emergency Preparedness Services"); and provides services and activities to improve the mass dispensing of medicines and medical supplies through the Cities Readiness Initiative (hereinafter referred to as "CRI Duties"); and

WHEREAS, Richfield wishes to promote, support, and maintain the health of its residents by providing public health emergency preparedness, and CRI planning activities, and to contract with Bloomington, through its Division of Public Health, to provide such services to

residents of Richfield; and

NOW, THEREFORE, in consideration of the terms and conditions expressed herein, the parties agree as follows:

I. TERMS OF EXTENSION

1. The term of this extension shall commence on July 1, 2014 and expire on June 30, 2015, per this Amendment.

2. Richfield agrees to pay to Bloomington the additional not-to-exceed amount of TWENTY THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$20,500.00) for PH Emergency Preparedness Services and the additional not-to-exceed amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00) for CRI Duties, for an additional total not-to-exceed amount of THIRTY THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$30,500.00) during the term of this Amendment (to be paid according to the terms described in 2a below) and a total not-to-exceed amount of FIFTY SIX THOUSAND ONE HUNDRED TWENTY FOUR AND NO/100 DOLLARS (\$56,124.00) over the entire term of this Agreement.

a) Bloomington shall bill Richfield for PH Emergency Preparedness Services and CRI Duties as follows:

Invoice Date	Amount
September 30, 2014	\$7,625.00
December 31, 2014	\$7,625.00
March 31, 2015	\$7,625.00
May 31, 2015	\$7,625.00

3. All other terms and conditions of the Original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be

executed the day and year first above written.

CITY OF BLOOMINGTON:

Dated: _____

By: _____
Its City Manager

Reviewed and approved by the City Attorney.

City Attorney

CITY OF RICHFIELD:

Dated: _____

By: _____
Its Mayor

Dated: _____

By: _____
Its City Manager



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:

MELISSA POEHLMAN, CITY PLANNER

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



[Signature]

SIGNATURE

OTHER DEPARTMENT REVIEW:



[Signature]

SIGNATURE

REVIEWED BY CITY MANAGER:



[Signature]

ITEM FOR COUNCIL CONSIDERATION:

Consideration of requests for a Conditional Use Permit and Variance at 7514 Lyndale Avenue (Broadway Pizza). The proposal contemplates an interior remodel and expansion of the restaurant space as well as construction of a new ADA-compliant building entry and waiting area.

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve the attached resolution granting a Conditional Use Permit for a building addition and restaurant expansion, and a Variance for a reduced parking setback at 7514 Lyndale Avenue.

II. EXECUTIVE SUMMARY

The building at 7514 Lyndale Avenue is home to two businesses – Broadway Pizza and Dunn & Semington Printing & Design. Patti Sterbuck, building owner and operator of Broadway Pizza, is requesting approval of a Conditional Use Permit (CUP) that would allow her to reapportion the interior building space in order to expand the restaurant. This expansion would repurpose approximately 475 square feet of current tenant space as additional dining space (32 seats) and a small office. The proposal also includes construction of a new ADA-compliant entryway and expanded waiting/pick-up area. The total proposed increase in square footage is 88

square feet. No changes to the kitchen, kitchen equipment, or existing dining areas are proposed.

In order to accommodate the proposed remodel, the applicant is required to provide an additional four parking spaces and attempt to improve other nonconforming site characteristics (e.g. landscaping, screening, impervious surface, etc.). The proposal includes the addition of five parking stalls. Three of the five parking stalls are along the edge of the alley and require a variance to reduce the required setback. In this case, the actual paved area of the parking lot extends four feet beyond the property line. It is only here that the traveled portion of the public alley begins. The applicant is proposing to utilize the portion of the parking lot that is on her property, but not that which extends into the public right-of-way. The striped parking stall will be four feet from the traveled right-of-way, which is clearly indicated by a change from asphalt to concrete pavement. Strict enforcement of this provision would result in the loss of three parking stalls in an area where additional landscaping would be impractical.

In cases of constrained sites, the Director may approve alternative landscaping and/or screening plans. The applicant's site is nearly 100% impervious and the existing parking lot extends to the property lines on all sides. In an effort to decrease the overall impervious surface, the applicant is proposing to landscape (trees and shrubs) an area at the southeast corner of the lot. The applicant also maintains flower beds around the pylon sign and around the adjacent boulevard trees.

Staff believes, and the Planning Commission has concurred, that the proposed site plan provides a reasonable attempt to meet all Code requirements.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- None

B. POLICY

- Traditional restaurants require a CUP in the C-2 (General Business) District. The existing restaurant was approved prior to this requirement, so no CUP has been issued. Hence, this request is for a CUP, rather than an amendment.
- In evaluating a request for a CUP, the Council must consider its compliance with the eight criteria outlined in Subsection 54.709 of the City Code and further articulated in the attached document.
- With the exception of a requested parking setback variance, all criteria necessary to issue the CUP have been met.
- In evaluating a request for a variance, the Council must consider its compliance with six criteria outlined in Subsection 547.11 of the City Code and further articulated in the attached document.
- Staff supports the requested variance based on review of these criteria.

C. CRITICAL TIMING ISSUES

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on September 8, 2014. A decision is required by *November 7, 2014* OR the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a citation.

D. FINANCIAL

- The required application processing fee has been paid.

E. LEGAL

- A public hearing was also held before the Planning Commission on September 22, 2014.
- Notice of both required public hearings was published in the Sun Current newspaper and mailed to properties within 350 feet of the project area.
- No members of the public spoke before the Planning Commission.
- The Planning Commission recommended approval (6-0).

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Approve the attached resolution with additional and/or modified stipulations.
- Deny the request(s) with findings that City requirements have not been met.

V. ATTACHMENTS

- Resolution
- Code requirements document
- Proposed plans
- Planning & zoning maps

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Scott Foss, S&P Construction/Applicant on behalf of owner
- Patti Sterbuck, Property Owner

RESOLUTION NO.
RESOLUTION APPROVING A
CONDITIONAL USE PERMIT
AND VARIANCE
FOR A TRADITIONAL (CLASS II) RESTAURANT
AT 7514 LYNDAL AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit to allow the expansion of a Traditional (Class II) Restaurant at property commonly known as 7514 Lyndale Avenue and legally described as:

Lots 4-6, Block 25, Irwin Shores Addition, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested amendment and variance at its September 22, 2014 meeting; and

WHEREAS, notice of the public hearing was published in the Sun-Current and mailed to properties within 350 feet of the subject property on September 9, 2014; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No.____; and

WHEREAS, the Zoning Code states existing parking lots must maintain a three-foot setback from the right-of-way, Subsection 534.11, Subd. 6; and

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, based on the findings below, the Richfield City Council approves the requested variance from Richfield Zoning Code Subsection 534.11, Subd. 6; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:
 - a. The Property is zoned General Business (C-2).
 - b. The Zoning Code states that parking lots must be set back a minimum of three feet from the right-of-way. The proposed setback is zero feet. A variance from Subsection 534.11, Subd.6 is required.

2. With respect to the application for a variance from the above-listed requirement, the City Council makes the following findings:
 - a. Strict enforcement of Richfield Zoning Code Subsection 534.11, Subd. 6 would cause a practical difficulty. The actual paved area of parking for this lot already extends four feet beyond the property line in the area in question. It is only at this point (four feet from the property line), that the traveled portion of the public alley begins. The inability to use this area would force the property owner to secure off-site parking. Further, the strict enforcement of this provision would allow for landscaping/screening in an area that would not be practical or helpful.
 - b. Unique circumstances affect the Property that were not created by the applicant. The extension of the paved area that functions and appears to be parking lot is a condition that extends along this entire block and is not a condition that was created by the applicant.
 - c. Granting the requested variance will not alter the character of the neighborhood. This is largely an existing condition and will not alter the character of the neighborhood. In fact, the striping of these stalls will likely reduce the temptation for drivers to park illegally such that vehicles hang over into the traveled portion of the alley.
 - d. The variance requested is the minimum necessary to alleviate the practical difficulty. A three foot variance is required to allow these three code-compliant stalls.
 - e. The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
3. Based on the above findings, a variance is hereby approved to permit a zero foot parking setback on the west side of the Subject Property.
4. A conditional use permit is issued to allow expansion of a Traditional (Class II) Restaurant, as described in City Council Letter No. _____, on the Subject Property legally described above.
5. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
 - The applicant must make minor modifications to parking lot design in order to meet City stall size minimums; and
 - Final approval of a landscape plan that meets as many requirements of the City Code as possible by the Community Development Department is required; and
 - The applicant shall be responsible for continued maintenance of landscaping in keeping with the approved plan; and
 - Separate sign permits are required.
 - All new utility service must be underground.
 - All new utilities, including roof-top equipment, must be screened in accordance with City Code requirements;
 - Required parking must be available year-round and cannot be used for snow or other storage, etc.; and

- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated September 4, 2014, and compliance with all other City and State regulations;
 - Prior to the issuance of an occupancy permit the developer must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specific by the Zoning Code.
6. This conditional use permit and variance shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
7. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of October 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

Code Requirements / Required Findings

Part 1 – Class I (full service) restaurant in General Business (C-2) District:

Full service restaurants are conditionally permitted in the District.

Part 2 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* This property is guided for Community Commercial use which accommodates a wide variety of retail and service uses that cater to residents of Richfield and adjacent communities. The Lyndale Gateway Plan, adopted by reference, envisioned reinvestment in properties to the north following redevelopment of the 7600 block. This proposal is consistent with these goals and objectives.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The purpose of the General Business (C-2) District is to allow a wide variety of commercial businesses that are attractive and compatible with nearby residential properties. The proposal is consistent with these purposes.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The proposed use is consistent with the Lyndale Gateway Plan.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed development either maintains the status quo or improves on all performance standards requirements with the exception of the setback for one parking stall proposed at the southwest corner of the site (discussed in Part 3 below). A landscaped area will be added to the southeast corner of the lot to improve aesthetics and decrease impervious surface. All refuse shall be stored inside the building and/or the screened as required by Code. The parking lot will be improved by restriping all stalls so that they are a consistent, Code-compliant width and drive aisles shall be maintained as existing. The number of stalls proposed complies with the City's requirements for non-conforming parking (Subd. 509.25, Subd. 7). Bicycle parking will be added.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.

6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* Adequate provisions have been made to protect the public health, safety and welfare.

7. *There is a public need for such use at the proposed location.* Investment in existing local businesses is necessary to maintain a healthy community.

8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.

Part 3 - Variances: The findings necessary to approve a variance are as follows (Subd. 547.11):

1. *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner.*
2. *There are usual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*
3. *The variance would not alter the character of the neighborhood or the locality.*
4. *The variance is the minimum necessary to alleviate the practical difficulty.*
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

The applicant has requested a variance to reduce the rear parking lot setback to zero feet. New parking lots are required to locate a minimum of eight feet from the right-of-way. In the case of modifications to existing lots, this setback may be reduced to three feet if the setback is not possible due to site constraints and if the applicant is able to meet landscape requirements without the setback.

Criteria 1: The parking lot is existing and therefore the reduced three-foot setback applies. In this case, the actual paved area of the parking lot extends four feet beyond the property line; it is only here that the traveled portion of the public alley begins. The applicant is proposing to utilize the portion of the parking lot that is on her property, but not that which extends into the public right-of-way. The striped parking stall will be four feet from the traveled right-of-way, which is clearly indicated by a change from asphalt to concrete pavement. Strict enforcement of this provision would result in the loss of three parking stalls. The addition of landscaping along the rear of the building and parking lot is impractical and not the intent of this requirement. It is reasonable to provide required parking in an area that has been paved as parking lot for many years and that will not adversely impact the adjacent right-of-way.

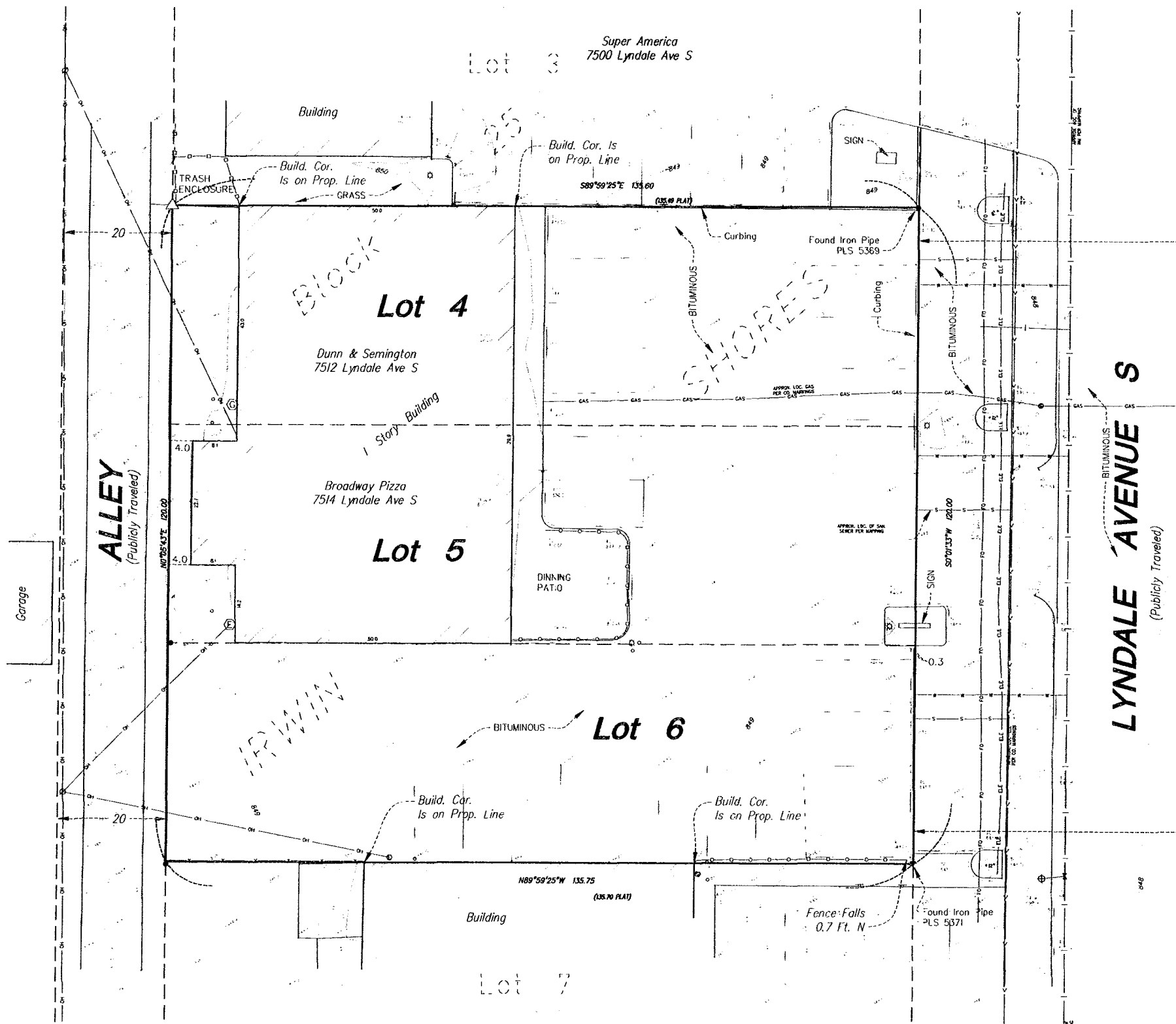
Criteria 2: The extension of the paved area that functions and appears to be parking lot is a condition that extends along the entire length of the block and is not a condition that was created by the applicant. Further, the setback requirement is intended to provide area for screening and landscaping around

parking lots in order to improve aesthetics and reduce glare from headlights. In this case, the proposed additional stalls that would be made possible by this variance do not face any areas in which this glare-reduction would be helpful. It would be impractical to landscape most of this area and would be of little to no benefit.

Criteria 3: A variance of three feet will not alter the character of the neighborhood. As mentioned previously, the traveled portion of the adjacent alley is four feet from the closest proposed parking stall. In fact, the striping of these stalls will likely reduce the temptation for drivers to park illegally and hang over into the alley.

Criteria 4: A three-foot variance is required to allow these code-compliant parking stalls. A variance of two feet would allow for two of the three parking stalls; however, as mentioned previously, additional landscaping at the rear of the lot would seem to provide little benefit and an additional space would likely be utilized frequently. The additional one-foot reduction seems justified in this instance.

Criteria 5: The proposed reduction does not conflict with the purpose and/or intent of the Comprehensive Plan or the Ordinance.



GENERAL NOTES

1. BACKGROUND INFORMATION IS BASED ON A FIELD SURVEY BY LOUCKS ASSOCIATES AND RECORD UTILITY DRAWINGS FROM THE CITY OF RICHFIELD. LOUCKS ASSOCIATES DOES NOT GUARANTEE THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.
2. WE HAVE SHOWN BURIED STRUCTURES AND UTILITIES ON AND/OR SERVING THE SITE TO THE BEST OF OUR ABILITY, SUBJECT TO THE FOLLOWING RESTRICTIONS:
 - A. UTILITY OPERATORS DO NOT CONSISTENTLY RESPOND TO LOCATE REQUESTS THROUGH THE GOPHER STATE ONE CALL SERVICE FOR BOUNDARY PURPOSES SUCH AS THIS.
 - B. THOSE UTILITY OPERATORS THAT DO RESPOND, OFTEN WILL NOT LOCATE SERVICES FROM THEIR MAIN LINE TO THE CUSTOMER'S STRUCTURE OR FACILITY. THEY CONSIDER THOSE SEGMENTS PRIVATE INSTALLATIONS THAT ARE OUTSIDE THEIR JURISDICTION. IF A PRIVATE SERVICE TO AN ADJOINER'S SITE CROSSES THIS SITE OR A SERVICE TO THIS SITE CROSSES AN ADJOINER, IT MAY NOT BE LOCATED SINCE MOST OPERATORS WILL NOT MARK SUCH "PRIVATE" SERVICES.
 - C. SNOW AND ICE CONDITIONS DURING WINTER MONTHS MAY OBSCURE OTHERWISE VISIBLE EVIDENCE OF A BURIED STRUCTURE OR UTILITY.
 - D. MAPS PROVIDED BY OPERATORS, EITHER ALONG WITH A FIELD LOCATION OR IN LIEU OF SUCH A LOCATION, ARE VERY OFTEN INACCURATE OR INCONCLUSIVE.
 - E. THE SURFACE FEATURES AND ELEVATIONS SHOWN ON THIS DRAWING WERE LOCATED BY LOUCKS ASSOCIATES.
 - F. ALL OF THE UNDERGROUND UTILITY INFORMATION AND LOCATION SHOWN ON THIS PLAN WERE PREPARED FROM RECORD DRAWINGS OBTAINED FROM THE CLIENT AND THE CITY OF RICHFIELD RECORDS.
 - G. EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. BEFORE DIGGING, YOU ARE REQUIRED BY LAW TO NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 651/454-0002.
3. THERE MAY BE OTHER UTILITIES ON THE SITE THAT ARE NOT SHOWN ON THIS PLAN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REMOVE THE UTILITIES. NOTIFY THE ENGINEER IF THERE ARE OTHER SERVICES FOUND.

SURVEY LEGEND		
AS ASH	⊗ CATCH BASIN	— STORM SEWER
AP APPLE	⊙ STORM MANHOLE	— SANITARY SEWER
BA BASSWOOD	⊙ SANITARY MANHOLE	— WATERMAIN
BI BIRCH	⊙ WATER MANHOLE	— SANITARY SEWER SERVICE
BO BOXELDER	⊙ HYDRANT	— WATER SERVICE
BU BUCKEYE	⊙ GATE VALVE	— CULVERT
BS BUSH	⊙ POWER POLE	— CITY UNDERGROUND CABLE TV
CA CATULPA	⊙ LIGHT POLE	— CITY UNDERGROUND ELECTRIC
CE CEDAR	⊙ YARD LIGHT	— CITY UNDERGROUND FIBER OPTIC
CO COTTONWOOD	— GUY WIRE	— GAS UNDERGROUND GAS
DE DEAD TREE	— SIGN	— CITY UNDERGROUND TELEPHONE
EL ELM	— SPOT ELEVATION	— CITY UNDERGROUND UTILITY
FR MISC FRUIT	⊙ A/C UNIT	— CITY OVERHEAD UTILITY
FI FIR	⊙ CABLE TV PEDESTAL	— TRFC UNDERGROUND TRAFFIC
HA HACKBERRY	⊙ ELECTRIC TRANSFORMER	— CITY DRAIN TILE
HI HICKORY	⊙ TELEPHONE PEDESTAL	— CITY FORCE MAIN
IR IRONWOOD	⊙ UTILITY PEDESTAL	— CITY CHAIN LINK FENCE
LO LOCUST	⊙ ELECTRIC MANHOLE	— CITY POST FENCE
MA MAPLE	⊙ GAS VALVE	— CITY WOOD FENCE
OA OAK	⊙ TELEPHONE MANHOLE	— CITY TRAFFIC SIGNAL
PA PALM	⊙ UTILITY MANHOLE	— CONCRETE CURB
PI PINE	⊙ ELECTRIC METER	— CONCRETE
PO POPLAR	⊙ GAS METER	— CITY CONTOUR
SP SPRUCE	⊙ HAND HOLE	— CITY RAILROAD TRACKS
TR TREE (GEN)	⊙ MONITORING WELL	— CITY CONIFEROUS TREE
WA WALNUT	⊙ POST INDICATOR VALVE	— CITY DECIDUOUS TREE
WI WILLOW	⊙ SOIL BORING	



CALL BEFORE YOU DIG!

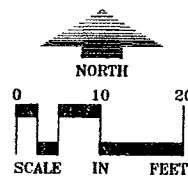
Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



Project Name:

**BROADWAY PIZZA
ADDITION**

Richfield, Minnesota

Owner/Developer:

Professional Services:

**LOUCKS
ASSOCIATES**

Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental

7200 Humboldt Lane, Suite 300
Maple Grove, MN 55269
Telephone: 763-124-5499
www.LoucksAssociates.com

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CADD Qualification:

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Submitted:

11/17/14 CONTRACTOR REVIEW
9/8/14 REVIEWED PER CITY AND REPORT

Professional Signature:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Vicki L. Van Dine - PE

41352 License No. Date:

Quality Control:

VJV WBS
Prepared By: Date:
Reviewed By: Date:

Sheet Index:

C1-1 EXISTING CONDITIONS
C1-2 SILVERMAN
C1-3 GRADING & DRAINAGE PLAN

Sheet Title:

**EXISTING
CONDITIONS**

Project No.:

14324

Sheet No.:

C1-1

SITE PLAN NOTES

1. BACKGROUND INFORMATION IS BASED ON A FIELD SURVEY BY LOUCKS ASSOCIATES AND RECORD UTILITY DRAWINGS FROM THE CITY OF RICHFIELD. LOUCKS ASSOCIATES DOES NOT GUARANTEE THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.
2. MINNESOTA STATE STATUTE REQUIRES NOTIFICATION PER "GOPHER STATE ONE CALL" PRIOR TO COMMENCING ANY GRADING, EXCAVATION OR UNDERGROUND WORK.
3. CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES AND TOPOGRAPHIC FEATURES PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM THE PLANS.
4. ALL DIMENSIONS ARE SHOWN TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
5. PROVIDE A 3 FOOT TAPER AT ALL CURB TERMINI.
6. ALL PAVING, CONCRETE CURB, GUTTER AND SIDEWALK SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN PER THE REQUIREMENTS OF THE CITY. SEE LANDSCAPE AND ARCHITECTURAL PLANS FOR ANY ADDITIONAL HARDSCAPE APPLICATIONS.
7. A SIGNIFICANT PORTION OF SITE IMPROVEMENTS NOT SHOWN ON THIS SHEET ARE DESCRIBED AND PROVIDED IN FURTHER DETAIL ON THE ARCHITECTURAL AND LANDSCAPE PLANS. THIS INCLUDES LANDSCAPING, LIGHTING AND OTHER FIXTURES.
8. 8612 CONCRETE CURB AND GUTTER SHALL BE INSTALLED AT THE EDGE OF ALL COMMON DRIVES AND PARKING LOTS WITHIN THE SITE, UNLESS NOTED OTHERWISE.
9. SEE SHEETS C3-1 AND C4-1 FOR GRADING AND UTILITIES.
10. ALL PARKING LOT PAVEMENT MARKINGS SHALL BE 4" WIDE WHITE PAINTED STRIPING.
11. DISABLED PARKING SIGNAGE & PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH ADA & MMUTCD.

STALL COUNT ANALYSIS

EXISTING STANDARD PARKING STALLS	21
EXISTING STANDARD PARKING STALLS TO BE REMOVED	3
PROPOSED STANDARD PARKING STALLS	24
EXISTING ADA PARKING STALLS	1
EXISTING ADA PARKING STALLS TO BE REMOVED	1
PROPOSED ADA PARKING STALLS	2

WARNING

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.



CALL BEFORE YOU DIG!

Gopher State One Call

TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166

Project Name:

BROADWAY PIZZA
ADDITION

Richfield, Minnesota

Owner/Developer:

Professional Services:

**LOUCKS
ASSOCIATES**

Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental

7200 Hemlock Lane, Suite 300
Alpharetta, GA 30201

Telephone: (770) 421-5505
www.LoucksAssociates.com

CADD Qualification:

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Submit:

07/14/14 OWNER/CONTRACTOR REVIEW
08/06/14 REVIEW PER CITY ARC REPORT

Professional Signature:

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Vic E. Van Dusen - PE

License No. Date:

Quality Control:

VJV WBS

Project No. Title:

Drawn By: Check Date:

Sheet Index:

C1-1 EXISTING CONDITIONS
C2-1 SITE PLAN
C3-1 GRADING & DRAINAGE PLAN

Sheet Title:

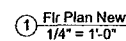
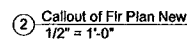
SITE
PLAN

Project No.:

14324

Sheet No.:

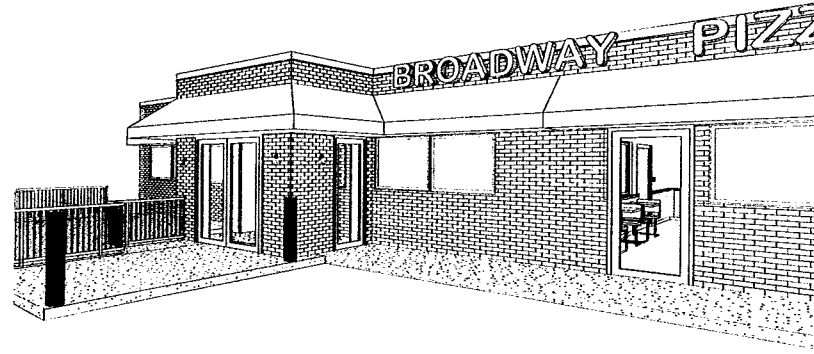
C2-1



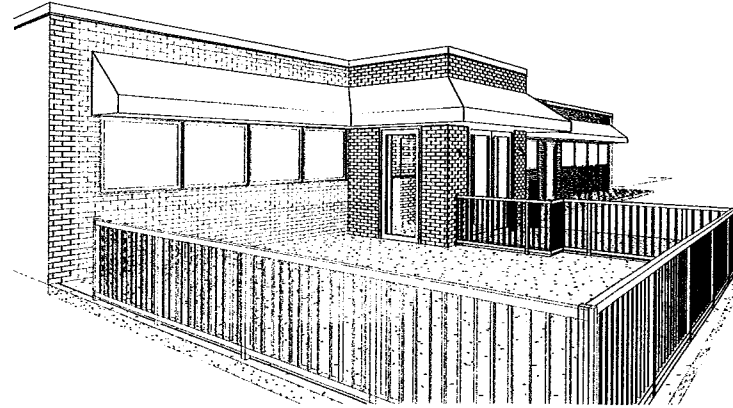
S&P Construction of St. Paul, Inc.
608 East County Road D
St. Paul, Minnesota 55117
V 651 485 0328

New Construction Floor Plan		Interior Remodel	
Project Number	130x	Broadway Pizza Richfield 7514 Lyndale Ave. South Richfield, Minnesota 55223	
Date	August 2014		
Checked by	KBA		
Scale	A1	I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota. Print Name: _____ Signature: _____ Date: _____ License # _____	
Revisions - Description / Date:		August 12 2014 For Permit Review August 22 2014 for Planning Commission	

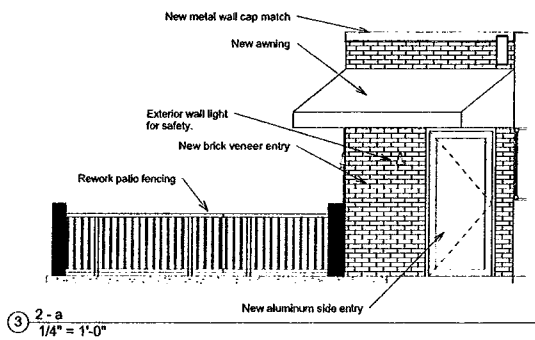
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9/8/2014 9:54:50 AM



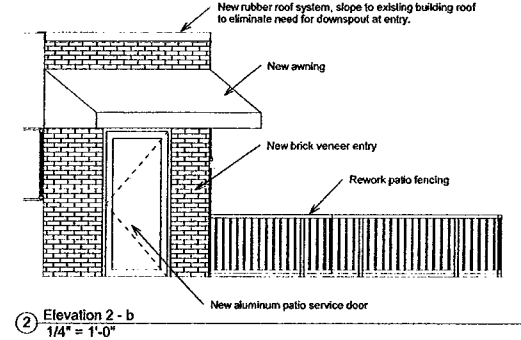
④ 3D View 1



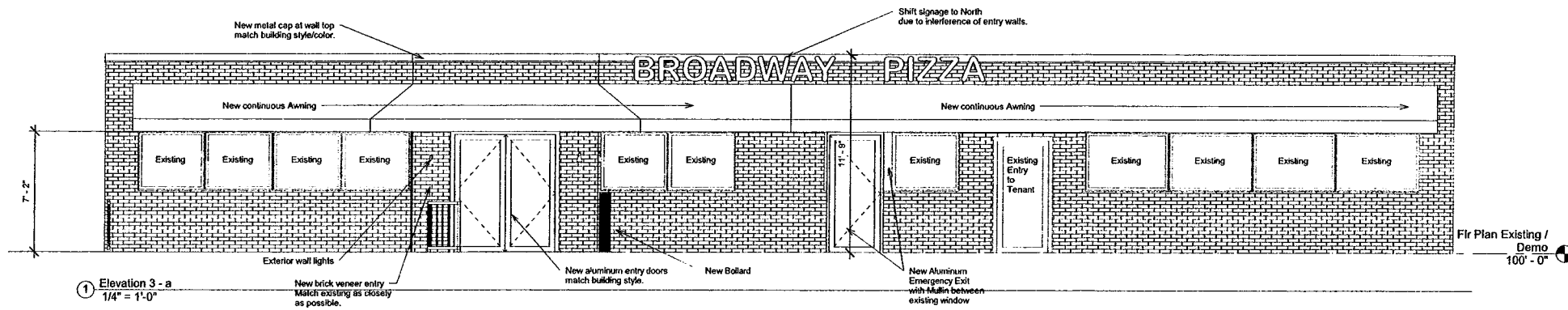
⑤ 3D View 2



③ 2 - a
1/4" = 1'-0"



② Elevation 2 - b
1/4" = 1'-0"



① Elevation 3 - a
1/4" = 1'-0"

Fir Plan Existing /
Demo
100' - 0"

Revisions - Description / Date:	August 12 2014 Etc. Exam Review
August 22 2014 for Planning Commission	
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.	Print Name: _____
Signature: _____	Date: _____
License # _____	
Interior Remodel	
Exterior Elevations	
Project Number	1300
Date	August 2014
Checked by	KBA
Scale	1/4" = 1'-0"
A4	



① 3D View Looking Southwest

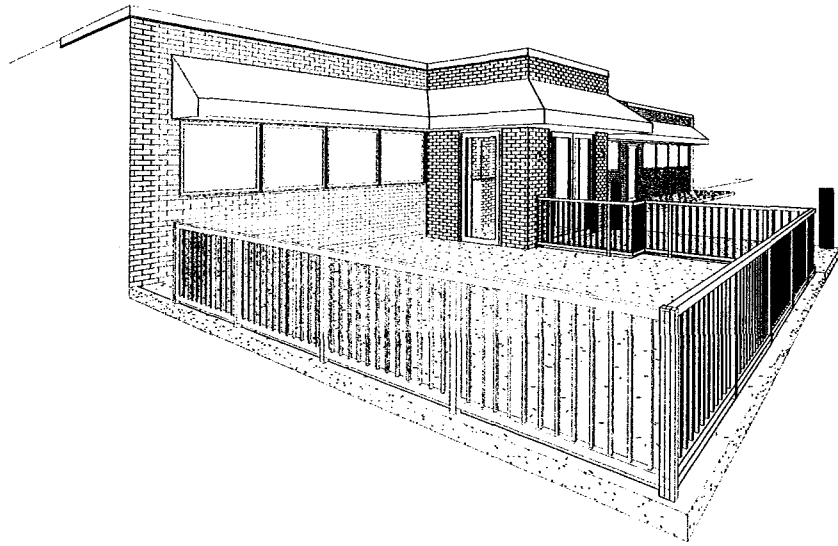
Misc. General Notes for Project:

- Existing building to remain as originally designed.
- Minor interior and exterior alterations - expansion of dining area into Tenant space.
- Interior function and use as existing.
- Alteration of Exterior signage to upper level.
- No kitchen work.
- No AV work.
- Owners responsible for all SAC charges.
- Owners responsible for all liquor permits, use permits, etc.
- Verify all exit lights and emergency exit lights in working order.
- Bring back to original restaurant side finishes to eliminate additional cost.
- Owners may change existing restaurant booths, tables and chairs. NIC.
- City Firemarshal requirement to install sprinkler system throughout building due to increased building use at restaurant side.
- New water line to be installed for new sprinkler system.

Room Finish Schedule													
Room Number	Room Name	Finish Floor	Brand / Model	Area	Finish Base Material	Base Finish	Finish Wall Material	Wall Finish	Color / Finish	Special Accent	Finish Ceiling	Color Finish	Comments
2	Kitchen Back	Existing	QT	384 SF									NO WORK
3	Pickup Wall	LVT Broadway finish	Karndean	91 SF	Wood Oak	Match	Gyp / Oak Wains	Paint / SSV	TBD		Match existing		Patch and repair wall trims, floors and ceilings.
6	Mens	Existing	CT	60 SF									NO WORK
7	Womens	Existing	CT	60 SF									NO WORK
8	Mech	Existing	QT	28 SF									NO WORK
9	Cooler	Existing	QT	89 SF									NO WORK
10	Trash	Existing	Concrete	70 SF									NO WORK
11	Expanded Dining	LVT Broadway finish	Karndean	329 SF	Wood Oak	SSV	Gyp / Oak Wains	Paint / SSV	TBD	Wainscote	2x2 fished	White	NO WORK Oak bead wainscot material; sheet goods.
12	Office	LVT Broadway finish	Karndean	91 SF	Wood Oak	SSV	Gyp	Paint	TBD		2x2 fished	White	Basic gyp walls, paint, wood base and LVT floor.
13	Tenant Space	Existing		1314 SF			Gyp	Paint			Match existing		New demise wall at Tenant to be painted and finished. Repair / replace ceiling at new demise wall.
14	Tenant Toilet	Existing	CT	40 SF									Repair / paint wall where new wall intersection occurs
15	Tenant Toilet	Existing	CT	43 SF									NO WORK
16	Hall	Existing	Cpt	37 SF									NO WORK
18	Entry	LVT Broadway finish	Karndean	63 SF	Wood Oak	SSV	Gyp / Oak Wains	Paint / SSV	TBD	Wainscote	Gypsum / Paint		
19	Main Dine	Existing	Cpt	833 SF									
20	Kitchen front	Existing	QT	272 SF									
21	Patio Dine	Existing	Paver	420 SF									
22	Room			1538 SF									
23	Room			2653 SF									
Grand total: 19				8417 SF									

Door Schedule									
Door Number	Details			Description	Door	Frame	Finish		
	Head	Jamb	S#						Comments
3									Existing No work
4									Existing No work
5									Existing No work
6									Existing No work
7									Existing No work
8									Existing No work
9									Existing No work
10									Existing No work
11				Existing to remain					Existing No work
12									Existing No work
13	HM	HM	None	New Oak solid core 20 min SSV HM frame	Oak	HM			Install 4x4 SS. Install office fitchset SS keys lever.
16	AI	AI	AI	New aluminum match building	AI	AI			Wood full view push pull and deadbolt
17	AI	AI	AI	New aluminum match building	AI	AI			Match building style with hardware, etc. Push pull with deadbolt
18	AI	AI	AI	New aluminum match building	AI	AI			Match building style with hardware, etc. Push pull with deadbolt
19	WD	WD	AI	Wood door, frame, trim	Oak	Oak			Wood full view push pull and deadbolt
20				Existing door and frame to remain					

Window Schedule												
Type Mark	Rough Opening		Type	Finish	Detail			Glazing		Head Height		Comments
	Width	Height			Head	Jamb	Sill	Thickness	Type			
W16	5'-0"	3'-6"	Fixed							7'-2"		Existing no work
W17	4'-0"	3'-6"	Fixed							7'-2"		
W18	4'-0"	4'-0"	Fixed		Oak SSV	Oak	Oak	Oak	none	7'-0"		New passthrough openings / jambs to be Oak Jams with Oak trim to match style.



② 3D View Looking Northwest

Drawing List	
Sheet Number	Sheet Name

A1	New Construction Floor Plan
A2	New Construction Ceiling Plan
A3	New Interior Elevations
A4	Exterior Elevations
D1	Existing Demo Floor Plan
D2	Existing / Demo Ceiling Plan
T1	Cover / Schedules

S&P Construction of St. Paul, Inc.

S&P Construction of St. Paul, Inc.
500 East County Road 217
St. Paul, MN 55108
P 612.488.1200
F 612.488.1200

Revisions - Description / Date:
August 12, 2014, For Review
August 22, 2014, For Planning Commission

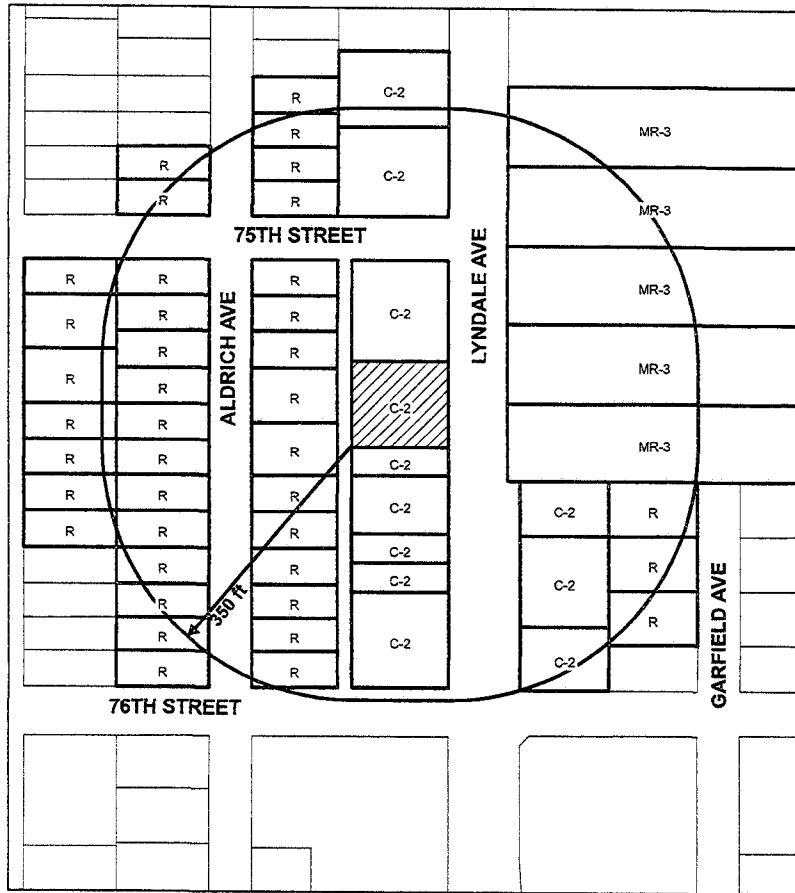
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
Print Name: _____
Signature: _____
Date: _____ License # _____

Interior Remodel
Broadway Pizza
7514 Lyndale Ave. South
Richfield, Minnesota 55423

Cover / Schedules
Project Number: 130x
Date: August 2014
Checked by: KBA
Scale: T1
9/8/2014 9:54:55 AM

7514 Lyndale Ave - CUP VAR 9/2014

Surrounding Zoning



C-2 - General Commercial
MR-3 - High Density Multi-Family Residential
R - Single Family Residential

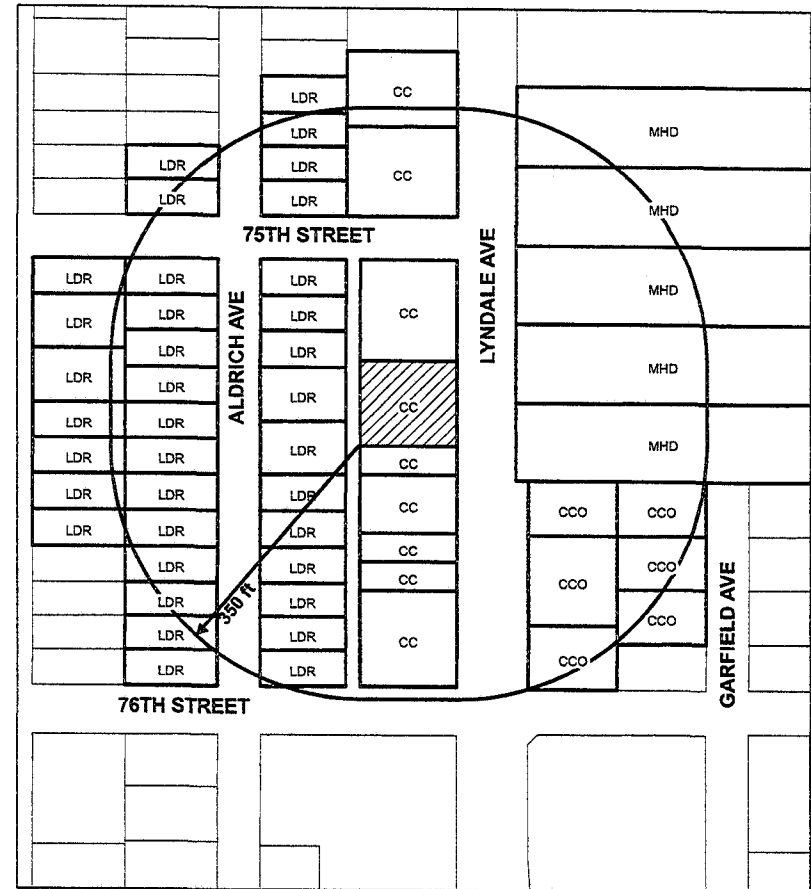
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7514 Lyndale Ave - CUP VAR 9/2014

Surrounding Comprehensive Plan

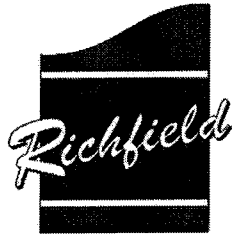


CC - Community Commercial
CCO - Community Commercial/Office
MHD - Medium-High Density Residential
LDR - Low Density Residential

0 75 150 300 450 600 Feet



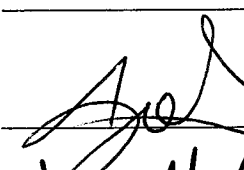
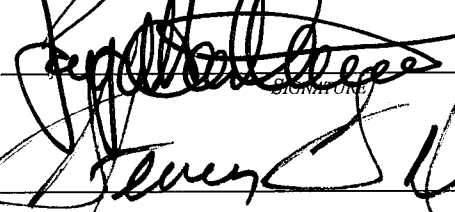
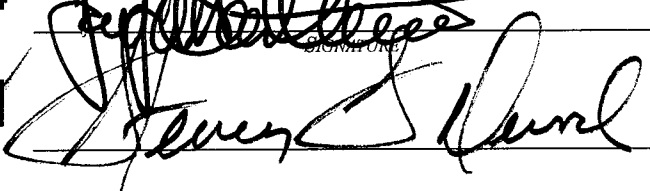
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STAFF REPORT

CITY COUNCIL MEETING

OCTOBER 14, 2014

REPORT PREPARED BY:	MELISSA POEHLMAN, CITY PLANNER
	<hr/> <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> 
	<hr/> <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> 
	<hr/> <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 
	<hr/> <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:

Consideration of an ordinance establishing a six-month moratorium on the consideration of medical marijuana distribution facilities.

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion:

- 1. Approve the attached ordinance establishing a six-month moratorium on consideration of medical marijuana distribution facilities; and**
- 2. Approve the attached resolution authorizing summary publication of an ordinance establishing a six-month moratorium on consideration of medical marijuana distribution facilities.**

II. EXECUTIVE SUMMARY

The Minnesota State Legislature recently approved the Medical Cannabis Therapeutic Research Act of 2014 ("Act"). This Act allows for the manufacturing and distribution of medical marijuana and calls for approved manufacturers to secure distribution facility sites that are dispersed throughout the State. The City has received at least two inquiries about potential distribution facilities in Richfield. Richfield's current codes do not address permitting or zoning requirements for medical marijuana distributors.

Given the unique characteristics of this use, City staff is recommending adoption of a six-month moratorium on consideration of distribution facilities so that that this issue can be properly studied and, if determined necessary, City Ordinances can be amended. During the moratorium period, applications for any approvals related to medical marijuana distribution facilities shall not be accepted.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

The City Council approved a resolution authorizing the proposed moratorium and conducted a first reading of the attached ordinance on September 23, 2014.

B. POLICY

- State Law allows cities to adopt interim ordinances for the purposes of protecting the planning process and the health, safety and welfare of its citizens.
- The City Attorney agrees that the adoption of a moratorium ordinance related to medical marijuana distribution facilities would be appropriate while the City studies this new use.

C. CRITICAL TIMING ISSUES

- The City has had two inquiries about potential distribution facilities. Until this item can be examined fully, a moratorium should be enacted.
- The proposed moratorium extends for six months; however, the City can repeal the moratorium at an earlier time if studies have been completed and necessary ordinance changes adopted.

D. FINANCIAL

- None

E. LEGAL

- The City Attorney has reviewed the attached Ordinance.
- Notice of this public hearing was published in the Sun Current newspaper in accordance with City and State requirements.

F. ENVIRONMENTAL CONSIDERATIONS

- None

IV. ALTERNATIVE RECOMMENDATION(S)

- Do not approve or approve with modifications, the attached ordinance and resolution.
- Approve a moratorium for a different length of time (up to one year).

V. ATTACHMENTS

- Ordinance
- Resolution

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Legal counsel

**CITY OF RICHFIELD
STATE OF MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING A MORATORIUM ON THE CONSIDERATION OF
MEDICAL MARIJUANA DISTRIBUTION FACILITIES,
AND DIRECTING THAT A PLANNING STUDY BE CONDUCTED**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Background.

- 1.01. The Minnesota State Legislature has approved the Medical Cannabis Therapeutic Research Act of 2014 ("Act") which allows for the manufacturing and distribution of medical marijuana.
- 1.02. The Act requires that approved manufacturers operate a total of four distribution facilities that are distributed throughout the State.
- 1.03. The Richfield City Codes do not address the permitting or zoning requirements of medical marijuana distributors.
- 1.04. The City has received at least two inquiries about potential distribution facilities which further evidence the need for the City to study and determine whether it should adopt official controls related to medical marijuana distribution facilities.
- 1.05. The Act restricts locations near schools and co-location with health-care practitioners, but does not preclude the City from placing additional locational or regulatory requirements on medical marijuana distribution facilities.
- 1.06. The lack of an adequate and available zoning classification and permitting controls that corresponds to the establishment of medical marijuana distribution facilities is a barrier to staged and orderly implementation of the Comprehensive Plan and is contrary to the fundamental precepts of orderly municipal planning.
- 1.07. The public interest will be harmed if adequate permitting controls and zoning classifications are not adopted.
- 1.08. The City Council has determined a need to undertake a study to determine the appropriate permitting and land use controls for medical marijuana distribution facilities.
- 1.09. Upon completion of the study, the City Council, together with such city commissions as the City Council deems appropriate or as may be required by law, will consider the advisability of amending certain official controls.
- 1.10. Minnesota Statutes, Section 462.355, Subdivision 4 allows the City to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.

Sec. 2. Findings.

- 2.01 The City Council finds that it is necessary to conduct planning studies to determine the appropriate permitting and land use controls that should apply to medical marijuana distribution facilities and to protect the planning process and the health, safety, and welfare of its citizens.
- 2.02 The purpose of the studies to be conducted includes, but is not limited to determining the appropriate permitting and licensing standards, and land use and development standards that should apply to medical marijuana distribution facilities and determining the appropriate changes, if any, that should be made to City Ordinances.

- 2.03 The City Council finds that there is a need to adopt a City-wide moratorium Ordinance, while the studies referenced in Section 2.01 are conducted.
- 2.04 The City Council finds that this moratorium should apply to, but not necessarily be limited to, the following types of land use applications: comprehensive land use plan amendments, requests for rezoning, subdivisions, variances, conditional use permits, site plan review, and building permits for construction or operation of medical marijuana distribution facilities.

Sec. 3. Planning Study: Moratorium.

- 3.01. A study is authorized to be conducted by City staff, to be followed by consideration of potential changes to the City's Ordinances by the City Council and such other commissions of the City as required by law or as directed by the City Council.
- 3.02. Pending completion of the study and adoption of any amendments to the City's official controls, a moratorium is established on the issuance of City approvals for medical marijuana distribution facilities.
- 3.03 During the period of the moratorium, applications for any such approvals related to medical marijuana distribution facilities shall not be accepted by the City nor shall the Planning Commission or City Council consider or grant approval of any such application.
- 3.04 The moratorium established by this Ordinance shall apply to any application pending as of the date of this Ordinance, but it shall not apply to a subdivision or consolidation that has received preliminary plat approval prior to the adoption of Resolution No. _____, nor shall the moratorium extend the timeline for acting upon an application as provided in Minnesota Statutes, Section 15.99. Any application submitted to which the moratorium applies shall be denied unless the application includes a specific request that it be excepted from the Moratorium, in which case the City staff shall submit the application to the City Council for consideration of granting an exception.
- 3.05 The City Council may approve exceptions to this Moratorium for an application if the City Council, in its sole discretion, determines that the approval being sought will not interfere with the purposes for which this moratorium was adopted.

Sec. 4. Enforcement. The City may enforce this Ordinance by mandamus, injunction or other appropriate civil remedy in any court of competent jurisdiction.

Sec. 5. Term. Unless earlier repealed by the City Council, the moratorium established under this Ordinance shall remain in effect until April 15, 2015. The moratorium may be extended for a reasonable time, in accordance with Minnesota Statutes Section 462.355.

Sec. 6. Effective Date. This Ordinance is effective as provided by Section 3.09 of the Richfield City Charter.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE
ESTABLISHING A SIX-MONTH MORATORIUM RELATED TO
MEDICAL MARIJUANA DISTRIBUTION FACILITIES**

WHEREAS, the City has adopted the above referenced Ordinance; and

WHEREAS, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. 2014-_____**

**AN ORDINANCE ESTABLISHING A SIX-MONTH MORATORIUM ON THE
CONSIDERATION OF MEDICAL MARIJUANA DISTRIBUTION
FACILITIES, AND DIRECTING THAT A PLANNING STUDY BE
CONDUCTED**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

On October 14, 2014, the Richfield City Council adopted an ordinance designated as Bill No. _____, the title of which is stated above. The ordinance establishes a six-month moratorium on the consideration of medical marijuana distribution facilities in all areas of the City. The ordinance also directs that a planning study be conducted to determine the appropriate land uses and development standards for medical marijuana distribution facilities and that appropriate amendments be made to the City's official controls upon completion of the study. During the moratorium, applications for comprehensive land use plan amendments, rezoning, subdivisions, variances, conditional use permits, site plan review, and building permits for construction or operation of medical marijuana distribution facilities will not be accepted.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:

CHRIS REGIS, FINANCE MANAGER

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



SD

SIGNATURE

OTHER DEPARTMENT REVIEW:



N/A

SIGNATURE

REVIEWED BY CITY MANAGER:



Steven J. Smith

ITEM FOR COUNCIL CONSIDERATION:

Public hearing regarding the special assessment roll for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

I. RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the attached resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

II. EXECUTIVE SUMMARY

Minnesota State Statutes provide that the City may levy a special one year assessment for the elimination of public health or safety hazards or the elimination of weeds from private properties.

The special assessments are based on costs incurred by the City in connection with the abatement of weeds or public health or safety hazards on certain properties in the City which are not properly maintained.

The owners of the subject properties are notified by the City to take corrective action with regard to the issue with the property. If the specific property issues were not abated within the proper time limit the City would take the corrective action necessary and bill the property owner.

In all cases, property owners will be notified that any unpaid charges or fees may be assessed against the property.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- N/A

B. POLICY

- The nuisance properties were not maintained by the owners and the City incurred costs to abate the nuisance.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification was published in the Sun Current on September 25, 2014.

C. CRITICAL TIMING ISSUES

- N/A

D. FINANCIAL

- The proposed special assessment for the elimination of public health or safety hazards from private property is \$5,636.10 with an additional 5% interest penalty.
- The proposed special assessment for weed elimination from private property is \$4,380.00 with an additional 5% interest penalty.
- Costs incurred for city staff time in the cleanup of the properties or to remove the weeds are included in the special assessment amount.
- A \$50.00 administrative fee is charged to all properties.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Do not approve the attached resolution and have the costs absorbed by the City.

V. ATTACHMENTS

- Resolution adopting the assessment for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None.

RESOLUTION NO.

RESOLUTION ADOPTING ASSESSMENT FOR WEED ELIMINATION FROM PRIVATE PROPERTY AND REMOVAL OR ELIMINATION OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE PROPERTY.

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for current services related to weed elimination from private property and removal or elimination of public health or safety hazards from private property in the City of Richfield:

Property Address	Property ID Number	Weed Elimination	Public Health or Safety Hazards
1001 W 76th Street	33-028-24-44-0009		250.00
1820 66th Street W	28-028-24-24-0089	170.00	
6227 15th Ave S	26-028-24-12-0056	170.00	
6236 Bloomington Ave S	26-028-24-12-0049	170.00	
6300 14th Ave S	26-028-24-12-0136	170.00	645.10
6341 Humboldt Ave S	28-028-24-12-0041	170.00	
6401 Xerxes Ave S	29-028-24-13-0029	170.00	
6414 Grand Ave S	27-028-24-23-0045	170.00	
6439 Washburn Ave S	29-028-24-13-0060	230.00	
6529 Newton Ave S	28-028-24-23-0110		495.00
6621 10th Ave S	26-028-24-31-0028		305.00
6626 13th Ave S	26-028-24-42-0032	170.00	
6644 16th Ave S	26-028-24-41-0057		250.00
6713 Queen Ave S	29-028-24-41-0156	170.00	
6733 12th Ave S	26-028-24-42-0131		125.00
6800 Thomas Ave S	29-028-24-43-0001		170.00
6845 18th Ave S	26-028-24-44-0009	230.00	
6910 13th Ave S	26-028-24-43-0075		250.00
6933 Blaisdell Ave S	27-028-24-34-0005	170.00	
6935 12th Ave S	26-028-24-43-0095		250.00
7016 Columbus Ave S	35-028-24-22-0012	170.00	120.00
7101 Columbus Ave S	35-028-24-22-0098		240.00
7144 4th Ave S	34-028-24-11-0044	400.00	155.00
7200 Nicollet Ave	34-028-24-24-0001		195.00
7201 Newton Ave S	33-028-24-23-0046		340.00
7232 Penn Ave S	32-028-24-14-0011	170.00	
7308 Upton Ave S	32-028-24-13-0055	170.00	
7401 5th Ave S	34-028-24-41-0016	170.00	
7438 Clinton Ave S	34-028-24-41-0081	170.00	
7438 Elliot Ave S	35-028-24-31-0119		250.00
7445 Colfax Ave S	33-028-24-41-0050	400.00	280.00
7514 3rd Ave S	34-028-24-42-0115		250.00
7533 Dupont Ave S	33-028-24-41-0098	400.00	166.00
7538 4th Ave s	34-028-24-41-0115		655.00
7626 12th Ave S	35-028-24-34-0011	170.00	120.00
7645 Nicollet Ave S	34-028-24-43-0070		125.00
Total		\$4,380.00	\$5,636.10

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

1. Such proposed assessment roll, in the amount of \$10,016.10, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract

of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.

2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2014 will be charged interest through the date of payment. Payments will not be accepted between November 15, 2014 and January 1, 2015.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:


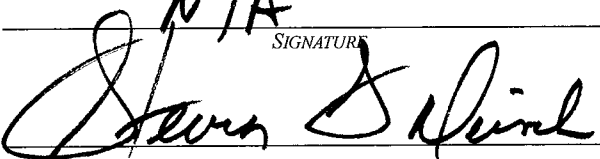
Nancy Gibbs, City Clerk



STAFF REPORT

CITY COUNCIL MEETING

OCTOBER 14, 2014

REPORT PREPARED BY:	CHRIS REGIS, FINANCE MANAGER
	<small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> N/A
	<small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 

ITEM FOR COUNCIL CONSIDERATION:
Public Hearing regarding the special assessment roll for unpaid false alarm user fees against private property.

I. RECOMMENDED ACTION:
Conduct and close the public hearing and by motion: Approve the attached resolution adopting the assessment for unpaid false alarm user fees against private property.

II. EXECUTIVE SUMMARY

Richfield City Code and City Charter allow the City to specially assess delinquent false alarm user fees against the respective properties. State Statutes provide that the City may levy a special one year assessment for these costs.

Unpaid alarm user fees must be paid to the City within 30 days from the date of written notice by the City to the alarm user. Fees not paid within the time specified will be subject to a 10% penalty charge.

The special assessment for unpaid false alarm user fees assessed to private properties provides a means for the City to recover costs incurred with the response by public safety to an alarm call on certain properties in the City that turns out to be false.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- N/A

B. POLICY

- Richfield City Code section 915.07 Subd. 3 and chapter 8.02 of the City Charter allows the City to specially assess delinquent false alarm user fees against the respective properties.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification was published in the Sun Current on September 25, 2014.

C. CRITICAL TIMING ISSUES

- N/A

D. FINANCIAL

- A 10% penalty charge is applied to all properties which have not paid within the time specified.
- The proposed special assessment for unpaid false alarm user fees from private property is \$1,430.00 with an additional 5% interest charge on the assessment.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Do not approve the attached resolutions and have the costs absorbed by the City.

V. ATTACHMENTS

- Resolution adopting the assessment for unpaid false alarm user fees from private property.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- N/A

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR
UNPAID FALSE ALARM FEES FROM PRIVATE PROPERTY.**

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and passed upon all objections to the proposed assessment for unpaid false alarm fees from private property in the City of Richfield:

Property Address	Property ID Number	Unpaid False Alarm Fee
1640 E. 78th Street	35-028-24-44-0007	110.00
2409 W 66th Street	29-028-24-41-0015	110.00
2940 W. 66th Street	29-028-24-13-0081	110.00
6425 Penn Ave S	28-028-24-23-0009	110.00
6625 Lyndale Ave S	27-028-24-32-0137	550.00
6745 13th Ave.	26-028-24-42-0097	220.00
951 E 77th Street	35-028-24-34-0005	220.00
	Total	\$1,430.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

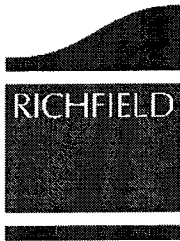
1. Such proposed assessment roll, in the amount of \$1,430.00, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
2. Such assessment shall be payable in no more than one annual installment and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
3. The owner of any property so assessed may at any time prior to certification of the assessment to the County Auditor and within 30 days of the date the City Council adopts the assessment, pay the whole assessment on such property to the City's Assessing Division without interest. Payments received after the expiration of the 30 day prepayment period, but received prior to November 15, 2014 will be charged interest through the date of payment. Payments will not be accepted between November 15, 2014 and January 1, 2014.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Richfield this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:	CHRIS LINK, OPERATIONS SUPERINTENDENT <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> <i>ML</i> <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> <i>Steven S. Dandy</i> <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:
Public hearing regarding the attached resolutions pertaining to the annual 77th Street maintenance district assessment process.

I. RECOMMENDED ACTION:
Conduct and continue the public hearing until the October 28th Regular City Council meeting regarding the annual 77th Street maintenance district assessments

II. EXECUTIVE SUMMARY

Since the 1988, the City has been performing special, high-quality maintenance along the 77th Street redevelopment area between I-35W and Cedar Avenue. The special maintenance services include irrigation, weeding and mowing of the landscaping on both sides of the 77th Street wall. The maintenance functions, known as current services, are funded through the maintenance assessment on the 77th Street businesses

Staff is recommending the City Council continue the Public Hearing for the following reasons:

- The letters that were sent to property owners included assessment amounts from last year's assessment (higher than this year's assessments).
- By continuing the hearing the affected property owners will get proper notice for the correct amounts.

Letters have been sent notifying the property owners of the correct assessment amount and the continuation of the public hearing.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- City staff has determined actual costs of current services to be assessed for the 2013 maintenance of this area to be \$59,779.82, and estimate the cost for 2015 maintenance to be \$80,000.
- Fluctuations in expenditures for the maintenance of the 77th Street Redevelopment area are caused by a number of factors:
 - Weather determines water usage and irrigation costs
 - Street light knockdowns are not foreseeable and very expensive
 - The need to paint streetlights
 - Concrete repair varies from year to year.

B. POLICY

- Section 825 of the City Code indicates "current services" mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Resolution No. 7405, adopted in 1988, established a policy for assessing the costs.
- Staff has calculated the proper amounts to be assessed against every assessable lot, piece or parcel of land specially benefited.
- The City does not assess residential properties for maintenance
- The proposed assessment was properly filed with the City Clerk.
- The Public Hearing Notice was published in the official newspaper on September 18, 2014.
- Notice of the public hearing for the proposed maintenance costs in 2013 was mailed to all owners described on the assessment roll on October 1, 201 meeting the two-week notification requirement.

C. CRITICAL TIMING ISSUES

- On or before September 1 of each year, the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under section 825 of the City Code.

D. FINANCIAL

- Estimated and actual costs for the 77th Street maintenance services from 2002 - 2013 are:

<u>Year</u>	<u>Estimate</u>	<u>Actual</u>
2002	\$80,000	\$75,490.39
2003	\$80,000	\$59,831.07
2004	\$80,000	\$63,842.79
2005	\$80,000	\$64,841.54
2006	\$80,000	\$69,606.52
2007	\$80,000	\$77,441.46
2008	\$80,000	\$77,000.01
2009	\$80,000	\$62,894.55
2010	\$80,000	\$64,124.81
2011	\$80,000	\$72,427.48
2012	\$80,000	\$78,286.45
2013	\$80,000	\$59,779.82

- City ordinance provides that special assessments for current services may be certified to the County Auditor for collection along with taxes. This certification may provide that the assessments be completely paid in the first year.
- No interest will be charged if the entire assessment is paid before November 14, 2014. After that date, the City has the right to charge interest on the amount assessed in that the City provided the funds for the initial expense. It is recommended that the interest rate be established at five percent (5%).
- The estimated maintenance cost for the period January 1, 2015 through December 31, 2015 is \$80,000. All commercial properties would be assessed on a square foot basis. All residential properties, plus the two churches in the area, would be exempt from the special assessment levy.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations at this time.

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may make any changes to the assessment roll as deemed necessary after the public hearing by adding the phrase “and has amended such proposed assessment as it deems just.”

V. ATTACHMENTS

- Resolution adopting assessments for 77th Street Maintenance in 2013
- Resolution proposing to specially assess for current services in 2015
- The 2013 assessment roll
- Copy of letter sent to assessed property owners
- Graphic displaying 77th Street special assessment district

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Affected property owners

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT ON
77TH STREET MAINTENANCE FOR THE PERIOD
JANUARY 1, 2013 - DECEMBER 31, 2013**

WHEREAS, pursuant to proper notice duly given as required by law, the council has met and passed upon all objections to the proposed assessment for current services related to maintenance of the 77th Street Redevelopment Project, which is approximately bounded east of I-35W and west of Cedar Avenue.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

Such proposed assessment roll in the total amount of \$59,779.82 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of assessment levied against it.

Such assessment shall be payable before or during 2014 and shall bear interest at the rate of five percent (5%) from the date of adoption of this assessment resolution.

The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property to the City's Finance Division and may, at any time thereafter, pay to the City's Finance Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which payment is made. Such payment must be made before November 14th or interest will be charged through December 31st of the succeeding year.

The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid over in the same manner in other municipal taxes.

Passed by the City Council of the City of Richfield, Minnesota, this 14th day of October 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO.

RESOLUTION ORDERING UNDERTAKING OF CURRENT SERVICE PROJECT 77TH STREET PROJECT AREA JANUARY 1, 2015 - DECEMBER 31, 2015

WHEREAS, pursuant to ordinance, the City Council of the City of Richfield did establish a special assessment district and did propose that certain current services be undertaken by the City in the 77th Street Project Area, approximately bounded by I-35W, 77th Street, I-494 and Cedar Avenue and that the cost of such services be specially assessed against benefited property; and

WHEREAS, the City Council of the City of Richfield did also by such resolution set the date of the public hearing on the undertaking of such current service project and the levying of special assessment to bear the cost thereof; and

WHEREAS, following due notice, such public hearing was held on October 14, 2014 at which time all interested parties desiring to be heard were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. That the following examples of current services of the City shall be undertaken by the City within the 77th Street Project Area, which area constitutes the special assessment district with the exception of residential properties, plus the two churches in the area, with the cost of such services to be specially assessed against the benefited property within the district:

- a. Snow, ice or rubbish removal;
- b. Weed elimination;
- c. Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
- d. Street sprinkling or other dust treatment of streets;
- e. Trimming and care of trees and the removal of unsound trees;
- f. Repair of sidewalks, crosswalks and other pedestrian walkways;
- g. Operation of the street lighting system;
- h. Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way;
- i. Snow removal and other maintenance of streets;
- j. General maintenance, including repairs and replacement.

2. The work to be performed may be by day labor, by City force, by contract or by any combination thereof.

3. The designated period of the project shall be from January 1, 2015 through December 31, 2015. Costs of the project shall be in the manner provided in the Richfield Ordinance Code.

Passed by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

2013 Actual Charges - 77th St Maintenance

PID	Owner	Projected Amount	Sq Feet
3302824430019	MSB HOLDINGS-RICHFIELD LLC	\$1,858.43	114,501
3302824430049	MERIDIAN CROSSINGS LLC	\$3,208.44	197,677
3302824430050	MERIDIAN CROSSINGS LLC	\$3,518.20	216,762
3302824440110	VIKING PARTNERS KENSINGTON LLC	\$753.30	46,412
3302824440112	VIKING PARTNERS KENSINGTON LLC	\$753.30	46,412
3302824440113	VIKING PARTNERS KENSINGTON LLC	\$199.88	12,315
3302824440114	VIKING PARTNERS KENSINGTON LLC	\$17.63	1,086
3302824440115	VIKING PARTNERS KENSINGTON LLC	\$158.74	9,780
3302824440231	CSM INVESTORS INC	\$6,085.78	374,955
3302824440232	CSM SHOPS INC	\$5,330.65	328,430
3302824440233	CITY OF RICHFIELD/LIQUOR	\$382.72	23,580
3302824440234	CSM SHOPS INC	\$275.94	17,001
3302824440235	CSM SHOPS INC	\$194.01	11,953
3302824440236	CSM SHOPS INC	\$379.91	23,407
3402824330003	WOOD MN RE LLC	\$1,002.41	61,760
3402824330004	WOOD MN RE LLC	\$665.09	40,977
3402824330005	LE METTRY PROPERTIES	\$117.14	7,217
3402824330006	WOOD MN RE LLC	\$426.96	26,306
3402824330007	THOMAS I WOOD	\$120.32	7,413
3402824330080	RICHFIELD-BLMGTN HONDA	\$2,620.90	161,478
3402824330081	RICHFIELD HOTEL ASSOC L P	\$1,179.57	72,675
3402824330082	RICHFIELD HOTEL ASSOC L P	\$107.64	6,632
3402824330087	J & R RICHFIELD LLC	\$792.93	48,854
3402824330088	HPT CW II PROP TRUST	\$1,697.98	104,615
3402824330150	RICHFIELD SENIOR HOUSING INC	\$68.25	4,205
3402824330151	RICHFIELD SENIOR HOUSING INC	\$68.25	4,205
3402824330152	MAIN STREET OFFICE LLC	\$68.25	4,205
3402824330153	MAIN STREET OFFICE LLC	\$68.25	4,205
3402824330154	MAIN STREET OFFICE LLC	\$68.25	4,205
3402824330155	MAIN STREET OFFICE LLC	\$68.25	4,205
3402824340001	SHERWIN-WILLIAMS DEV CORP	\$233.01	14,356
3402824340053	TWO S PROPERTIES, INC	\$1,516.47	93,432
3402824340054	LEIGHTON PARTNERS LLC ATTN CHIEF MANAGER	\$327.32	20,167
3402824340055	HILMER M HOVELSON	\$326.79	20,134
3402824340056	VIKING PAINTS	\$375.92	23,161
3402824340057	VIKING PAINTS, INC	\$546.37	33,663
3402824340058	WILLIAMS PROPERTIES MN LLC	\$87.14	5,369
3402824340059	ROBERT A GEORGE	\$76.25	4,698
3402824340060	KERKER PROPERTIES LLC	\$163.65	10,083
3402824340061	H & M V PROPERTIES, LLC	\$163.69	10,085

3402824340065	7700 NICOLLET, LLC	\$302.80	18,656
3402824340066	REALTY INCOME PROPERTIES 3, LLC	\$285.89	17,614
3402824340073	CITY OF RICHFIELD ATTN: COMMUNITY DEVELOPMENT	\$663.88	40,903
3402824430005	RALEIGH P NELSON	\$654.06	40,298
3402824430077	NAILA DEVELOPMENT COMPANY, LLC	\$377.69	23,270
3402824430078	MENARD INC	\$6,632.61	408,646
3402824440006	ELSEN BROTHERS INC	\$236.74	14,586
3402824440007	D B R INC ELSEN BROTHERS INC	\$373.99	23,042
3402824440023	A G BOGEN CO	\$473.55	29,176
3402824440024	TBG, LLC	\$166.14	10,236
3402824440025	GARY WIBERG	\$165.59	10,202
3402824440027	A G BOGEN	\$218.68	13,473
3402824440028	RICHFIELD WHEEL ALIGNMENT	\$166.97	10,287
3402824440029	BLAYLOCK PLUMBING CO	\$337.84	20,815
3402824440030	RICHFIELD BLOOMINGTON CU	\$259.01	15,958
3402824440031	DJ & DJ LLC	\$498.04	30,685
3402824440032	RICHFIELD-BLOOMINGTON CU	\$595.88	36,713
3502824330006	ASIAN DRCT ORIENTAL MKT INC	\$364.07	22,431
3502824330007	UNICARE HOMES INC	\$479.55	29,546
3502824330008	LMMS PROPERTIES, LLC	\$447.43	27,567
3502824330009	LOIS BERG	\$407.47	25,105
3502824340002	B & S LAND DEVELOPMENT LLC	\$403.85	24,882
3502824430006	A G BOGEN	\$670.17	41,290
3502824430008	PMB HOSPITALITY LLC	\$758.66	46,742
3502824430073	A G BOGEN	\$236.53	14,573
3502824430074	A G BOGEN COMPANY	\$781.65	48,159
3502824430076	A G BOGEN COMPANY	\$969.83	59,753
3502824440004	MOTEL 6 OPERATING L P #1106	\$885.94	54,584
3502824440006	CITY OF RICHFIELD/HRA	\$533.75	32,885
3502824440007	JERRY E MATHWIG	\$641.11	39,500
3502824440008	JERRY MATHWIG METRO SALES INC	\$877.71	54,077
3502824440010	ADLER GRADUATE SCHOOL	\$2,266.42	139,638
3502824440031	494 BUILDING PARTNERSHIP LLC	\$541.94	33,390
3502824440032	CLEAR CHANNEL OUTDOOR INCORPORATED	\$30.40	1,872

\$59,779.80 3,683,130

September 29, 2014

Property ID:
Property Address:

I. NOTICE OF ASSESSMENT HEARING

NOTICE OF CONTINUATION OF HEARING ON PROPOSED ASSESSMENT FOR CERTAIN SERVICES OF THE CITY WITHIN THE 77TH STREET PROJECT AREA FROM JANUARY 1, 2013- DECEMBER 31, 2013

NOTICE IS HEREBY GIVEN that the Richfield City Council will hold a public hearing on the date and at the time and place given below, to pass upon the proposed assessment for the maintenance of the 77th Street Project Area in the City.

DATE, TIME AND PLACE OF HEARING: Tuesday, October 14, 2014 at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda, at Richfield Municipal Center, 6700 Portland Avenue South, Richfield, Minnesota 55423.

NATURE OF IMPROVEMENT AND AREA TO BE ASSESSED: From January 1, 2013 through December 31, 2013 the City of Richfield incurred costs for maintenance of the 77th Street area, including such work as landscape maintenance of common properties, including mowing, fertilizing, irrigation repair and other maintenance services. The City proposes to assess the costs for maintenance in the 77th Street project area, which totaled \$59,779.82, against the properties that benefited from this work.

PROPOSED AMOUNT OF ASSESSMENT: The total amount to be assessed against all properties is \$59,779.82.

The amount to be assessed against your particular property is \$XXXXX.

Payment can be made after the assessment is adopted and before November 18, 2014 at the City of Richfield Assessor's office, 6700 Portland Avenue, Richfield, MN 55423. Please make your check payable to the City of Richfield.

A copy of the proposed assessment roll is on file for public inspection at the City Clerk's office, 6700 Portland Avenue South, Richfield, Minnesota.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THIS ASSESSMENT. NO SEPARATE BILLING WILL OCCUR. PLEASE DO NOT MAIL PAYMENT BEFORE THE ASSESSMENT HEARING ON TUESDAY, OCTOBER 14, 2014.

PAYMENT OF ASSESSMENT: You may pay your assessment at any time after the assessment has been adopted by presenting a check to the City Treasurer at the Assessor's office, 6700 Portland Avenue South, Richfield, Minnesota 55423. Unpaid assessments accrue interest at the rate of five percent (5%) per year. The amount of interest payable depends upon when your payment is made, and the following deadlines apply:

Payment within 30 days of adopted assessment: The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts

the assessment, scheduled for October 14, 2014. If the original principal amount is not paid, the assessment will be charged five percent (5%) interest.

Payment on or after November 18, 2014: Assessments are spread over five years. Interest at the rate of five percent (5%) will be charged. Interest is calculated for 17 months on the first year of the assessment and 12 months thereafter. There is a \$2.50 surcharge per year over the five year life of the assessment when certified to the property tax. Questions regarding the assessment payment procedure should be directed to Debbie Guiher at 612-861-9710.

DEFERRED ASSESSMENTS: Under Minnesota Stat. Secs. 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person who meets certain age or disability restrictions and for whom it would be a hardship to make the payments. The policy and procedure for deferment is set forth in City Resolution No. 9531, which may be obtained from the City Clerk. When deferment of the special assessment has been granted and is terminated for any reason provided in law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of the law and the resolution may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for deferral of this special assessment.

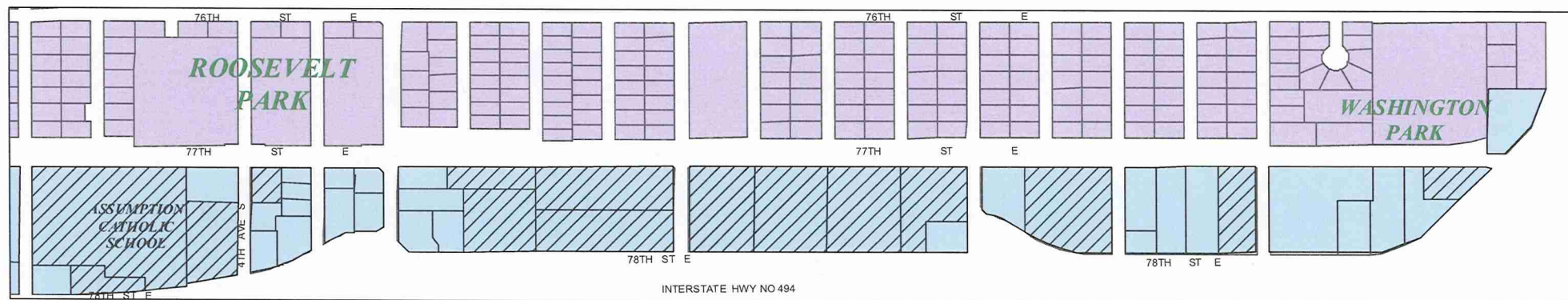
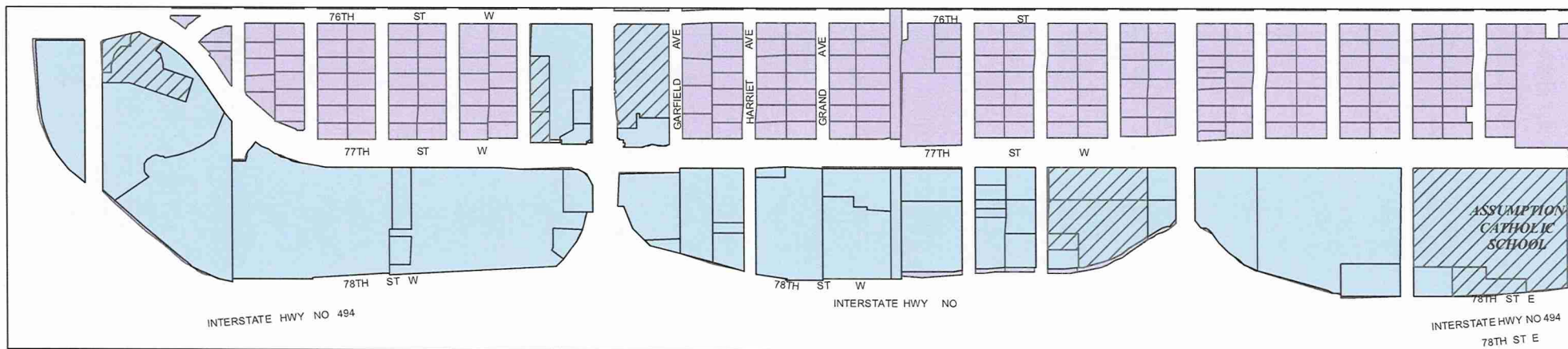
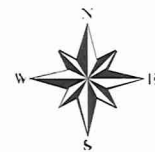
HEARING PROCEDURE AND OBJECTIONS: The City Council will continue a public hearing on the proposed assessment on the date and time listed. Written and oral objections will be considered at the meeting, but the Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon further notice to the affected property owners, as the Council deems advisable. The Council may adopt the proposed assessment at the same meeting as the hearing.

RIGHT TO APPEAL: You have the right to appeal the City Council's adoption of the assessment. To appeal, you must serve notice of an appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment, and you must also file the notice of appeal with the Hennepin County District Court within ten days after service upon the Mayor or City Clerk. You may not appeal unless you file a written objection, signed by you, with the City Clerk prior to the hearing on Tuesday, October 14, 2014, or present the written objection to the presiding officer at the hearing on Tuesday, October 14, 2014.

BY ORDER OF THE CITY COUNCIL THIS 9th DAY OF SEPTEMBER, 2014.

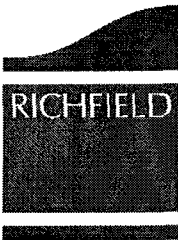
Questions concerning this assessment **amount** should be directed to Chris Link, Operations Superintendent, at 612-861-9174.

ILN (77TH STREET) MAINTENANCE DISTRICT



ILN Maintenance District
Assessed

	NO
	YES



STAFF REPORT

CITY COUNCIL MEETING

OCTOBER 14, 2014

REPORT PREPARED BY:	CHRIS LINK, OPERATIONS SUPERINTENDENT <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> <u>MJE</u> <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> <u>Steven J. Henschel</u> <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:
Public hearing regarding the special assessment roll for removal of diseased trees from private property for work ordered in 2013.

I. RECOMMENDED ACTION:
Conduct and close the public hearing and by motion: Approve the attached resolution adopting the assessment for removal of diseased trees from private property for work ordered from January 1, 2013 through December 31, 2013.

II. EXECUTIVE SUMMARY

According to Section 910 of the City Code, it has been determined that the health of trees within municipal limits is threatened by shade tree diseases, and it is the City's responsibility to control and prevent the spread of these diseases.

If the City has deemed it necessary to remove a diseased tree, the property owners have four options available for private tree removal:

1. Remove the tree themselves.
2. Hire and pay for their own contractor.
3. Hire the City's contractor and pay for the removal.
4. Request the cost of the tree removal be assessed against their property tax.

In the period from January 1, 2013 through December 31, 201, nineteen (19) property owners chose the fourth option. The total amount to be assessed is \$43,772.34.

Property Owner Objection

The property owner at 6612 Vincent contacted staff regarding the proposed assessment. The tree removal was ordered while the property was vacant. The timeline for removal is as follows:

- 7/25/13- Tree marked for removal
- 8/6/13- Letter sent to Wells Fargo notifying of ordered removal
- 8/12/13- Letter received from Wells Fargo that they no longer own the property.
- 8/25/13- Tree removal was ordered by contractor

The property owner felt that this assessment should not be his responsibility because he was not the owner of the property at the time of removal.

In cases where the property is vacant and no owner can be found, removals must be ordered when trees have passed the removal time limit or become hazardous.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- In the early 1970's, the City of Richfield began a shade tree disease program to assist homeowners in the removal of diseased trees on private property. The following process is how the City ensures property owners are aware of their diseased tree(s).
- **Notification to Property Owners**
The following procedures were used to notify the property owners listed on the assessment roll.

At time of marking for removal, paperwork is left at the property which includes:

- Removal deadline
- Why the tree was marked for removal
- Assessment Information
- Information regarding private contractors
- Card informing City of owners removal plans
- City Staff contacts for more information

If the tree becomes hazardous or is past the removal time limit an additional deadline letter is sent to the property owner.

The letter is sent to the last known owner, obtained from Hennepin County Property Records and verified with Richfield Utility Billing records.

Occupied Properties

As stated above, property owners of diseased trees have four options available for private tree removal:

1. Remove the tree themselves.
2. Hire and pay their own contractor.
3. Hire the City's contractor and pay for the removal.
4. Request the cost of the tree removal be assessed against their property tax.

Vacant Properties

In cases where the property is vacant and no owner can be found, removals must be ordered when trees have passed the removal time limit or become hazardous.

B. POLICY

- The work has been completed with prior approval from the affected residents.
- Minnesota State Statute requires the County to be notified of all special assessments.
- The proposed assessment was properly filed with the City Clerk.
- The Public Hearing Notice was published in the official newspaper on September 18, 2014.
- Notices of the assessment hearing were mailed to the owner of each parcel described in the assessment roll on October 1, 2014, meeting the two-week notification requirement.

C. CRITICAL TIMING ISSUES

- On or before September 1st of each year, the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under Section 825 of the City Code.

D. FINANCIAL

- The costs to be assessed for the removal of diseased trees on private property for work ordered during the period January 1, 2013, through December 31, 2013, have been determined to be \$43,772.34.
- City ordinance provides that special assessments for current services may be certified to the County Auditor for collection along with taxes. This certification may provide that the assessments be completely paid in the first year or in annual installments. It is past practice such payments be due and payable over a five-year period due to the increased cost of removals.
- No interest will be charged if the entire assessment is paid before November 14, 2014. After that date, the City has the right to charge interest on the amount assessed in that the City provided the funds for the initial expense. It is recommended that the interest rate be established at five percent (5%).
- The original source of funding to have the work done is through the City's Permanent Improvement Revolving Fund.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- According to Section 910 of the City Code, it has been determined that the health of trees within municipal limits is threatened by shade tree diseases, and it is the City's responsibility to control and prevent the spread of these diseases

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may revise the special assessment roll as deemed necessary following the public hearing.

V. ATTACHMENTS

- Resolution
- Notice of Assessment Hearing mailed to residents

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Residents on assessment roll

RESOLUTION NO.

RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013.

WHEREAS, costs have been determined for the removal of diseased trees from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered during the period of January 1, 2013 through December 31, 2013 amount to \$43,772.34.

Address	PID	Amount
1520 W 66th St	28-028-24-24-0141	\$ 2,618.44
6339 4th Ave	27-028-24-11-0058	\$ 3,206.25
6504 Oliver Ave S	28-028-24-23-0081	\$ 3,687.19
6525 Humbolt Ave S	28-028-24-13-0046	\$ 659.95
6600 Stevens Ave S	27-028-24-42-0070	\$ 1,350.00
6612 Vincient Ave S	29-028-24-42-0045	\$ 3,473.44
6618 Humbolt Ave S	28-028-24-31-0082	\$ 2,885.63
6633 Bloomington Ave	26-028-24-41-0060	\$ 2,300.00
6711 14th Ave S	26-028-24-42-0110	\$ 1,763.44
6715 Portland Ave S	26-028-24-32-0089	\$ 1,870.31
6833 Irving Ave S	28-028-24-34-0104	\$ 1,650.00
7011 Columbus Ave S	35-028-24-22-0087	\$ 1,763.44
7209 Upton Ave S	32-028-24-13-0017	\$ 2,351.25
7215 Vincient Ave S	32-028-24-13-0031	\$ 1,656.56
7221 Newton Ave	33-028-24-23-0043	\$ 3,847.50
7236 1st Ave	34-028-24-13-0062	\$ 2,458.13
7415 12th Ave S	35-028-24-42-0056	\$ 2,137.50
7421 12th Ave S	35-028-24-42-0055	\$ 3,366.56
7426 13th Ave S	35-028-24-42-0047	\$ 726.75
		\$ 43,772.34

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

- Such proposed assessment roll, in the amount of \$43,772.34, is hereby accepted and shall constitute the special assessment against the lands named herein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of the assessment levied against it.
- Such assessment shall be payable in no more than five annual installments and shall bear interest at the rate of five (5%) percent from the date of adoption of this assessment resolution.
- The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property to the City's Assessing Division, and may at any time thereafter, pay to the City's Assessing Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made

before November 15th or interest will be charged through December 31st of the next succeeding year.

4. The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the property tax lists of the County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Passed by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

September 29, 2014

PID:

Property Address:

I. NOTICE OF ASSESSMENT HEARING

NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR CERTAIN SERVICES OF THE CITY FOR REMOVAL OF DISEASED TREES ON PRIVATE PROPERTY (JANUARY 1, 2013- DECEMBER 31, 2013)

NOTICE IS HEREBY GIVEN that the Richfield City Council will hold an assessment hearing on the date and at the time and place given below, to pass upon the proposed assessment for the removal and disposal of diseased trees on private property.

DATE, TIME AND PLACE OF HEARING: Tuesday, October 14th at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda, at Richfield Municipal Center, 6700 Portland Avenue South, Richfield, Minnesota 55423.

NATURE OF IMPROVEMENT AND AREA TO BE ASSESSED: Costs incurred for removal of diseased trees from private property with the consent and approval of the property owners for work ordered from the City of Richfield, January 1, 2013 through December 31, 2013. The City proposes to assess the costs for this work, which totaled \$ 43,772.34.

THE SPECIAL ASSESSMENT TO YOUR PROPERTY IS: \$XXXXX.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THIS ASSESSMENT. NO SEPARATE BILLING WILL OCCUR. PLEASE DO NOT MAIL PAYMENT BEFORE THE ASSESSMENT HEARING ON TUESDAY, OCTOBER 14TH, 2014.

A copy of the proposed assessment roll is on file for public inspection at the City Clerk's office, 6700 Portland Avenue South, Richfield, Minnesota.

PAYMENT OF ASSESSMENT: You may pay your assessment at any time after the assessment has been adopted by presenting a check to the City Treasurer at the Assessor's office, 6700 Portland Avenue South, Richfield, Minnesota 55423. Unpaid assessments accrue interest at the rate of five percent (5%) per year. The amount of interest payable depends upon when your payment is made, and the following deadlines apply:

Payment within 30 days of adopted assessment: The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts the assessment, scheduled for Tuesday, October 14th, 2014. If the original principal amount is not paid, the assessment will be charged five percent (5%) interest.

Payment on or after 11/14/2014: Payments received on or after 11/14/2014 will be charged interest at the rate of 5% through the date of payment. Payments are not accepted between November 15, 2014 and January 1, 2015. After January 1, 2015 payments can be made on the outstanding balance not certified to the current year taxes anytime with interest through December 31 of the year in which payment is made. If no prepayment is made, the tree assessments are

spread over five years. Interest will be charged at the rate of five percent (5%) annually. Interest is calculated for 14 months on the first year of the assessment and 12 months thereafter. There is a \$2.50 surcharge per year over the five year life of the assessment when certified to the property tax. Questions regarding the assessment payment procedure should be directed to Debbie Guiher at 612-861-9710.

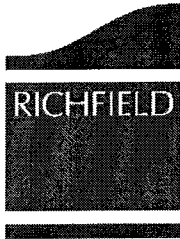
DEFERRED ASSESSMENTS: Under Minnesota Stat. Secs. 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person who meets certain age or disability restrictions and for whom it would be a hardship to make the payments. The policy and procedure for deferment is set forth in City Resolution No. 9531, which may be obtained from the City Clerk. When deferment of the special assessment has been granted and is terminated for any reason provided in law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of the law and the resolution may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for deferral of this special assessment.

HEARING PROCEDURE AND OBJECTIONS: The City Council will conduct a public hearing on the proposed assessment on the date and time listed. Written and oral objections will be considered at the meeting, but the Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon further notice to the affected property owners as the Council deems advisable. The Council may adopt the proposed assessment at the same meeting as the hearing.

RIGHT TO APPEAL: You have the right to appeal the City Council's adoption of the assessment. To appeal, you must serve notice of an appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment, and you must also file the notice of appeal with the Hennepin County District Court within ten days after service upon the Mayor or City Clerk. You may not appeal unless you file a written objection, signed by you, with the City Clerk prior to the hearing on October 14, 2014 or present the written objection to the presiding officer at the hearing on October 14, 2014.

BY ORDER OF THE CITY COUNCIL THIS 9TH DAY OF SEPTEMBER, 2014.

Questions? Questions concerning this assessment **amount** should be directed to Chris Link, Operations Superintendent @ 612-861-9174.



STAFF REPORT
CITY COUNCIL MEETING
OCTOBER 14, 2014

REPORT PREPARED BY:

CHRIS LINK, OPERATIONS
SUPERINTENDENT

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



MJE

SIGNATURE

OTHER DEPARTMENT REVIEW:



MTA

SIGNATURE

REVIEWED BY CITY MANAGER:



Steven J. Rasmussen

ITEM FOR COUNCIL CONSIDERATION:

Public hearing regarding the attached resolutions pertaining to the annual Lyndale/HUB/Nicollet (LHN) maintenance assessment process.

I. RECOMMENDED ACTION:

Conduct and close the public hearing and by motion:

- 1. Adopt the attached resolution proposing to assess commercial properties in the Lyndale/HUB/Nicollet (LHN) district for costs incurred to maintain the area for 2013.**
- 2. Adopt the attached resolution proposing a similar assessment process to be implemented for 2015.**

II. EXECUTIVE SUMMARY

The Lyndale/HUB/Nicollet (LHN) maintenance assessment was established to recover extraordinary maintenance expenses in the LHN area in 1981. The extraordinary services include irrigation, weeding and mowing of landscaped areas. The LHN Redevelopment Area is approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue.

Staff is recommending the City Council:

1. Assess \$25,522.16 against the LHN properties for work done in 2013.
2. Propose a similar assessment process for 2015.

At the July 8th Special City Council Worksession it was discussed of the possible elimination of the LHN Maintenance District in 2016. Possible elimination of the Maintenance District will be considered for the following reasons:

- 66th Street Reconstruction in 2016
- Elimination of the "original" landscape features from the district
- New rules for establishing Maintenance Districts

Possible elimination of this Maintenance District will be discussed further at a later date.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- City staff has determined actual costs of current services to be assessed for the 2013 maintenance of this area to be \$25,522.16, and the estimated cost for 2014 maintenance to be \$50,000.
- Fluctuations in expenditures for maintenance of LHN are caused by a number of factors:
 - Weather determines water usage and irrigation costs
 - Street light knockdowns are never foreseeable and very expensive
 - The need to paint streetlights
 - Concrete repair varies from year to year.

B. POLICY

- Section 825 of the City Code indicates "current services" mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Resolution No. 6372, adopted in 1981, established a policy for assessing the costs.

- Staff has calculated the proper amounts to be assessed against every assessable lot, piece or parcel of land specially benefited.
- The City does not assess residential properties for maintenance costs in the LHN maintenance district.
- The proposed assessment was properly filed with the City Clerk.
- The Public Hearing Notice was published in the official newspaper on September 18, 2014.
- Notice of the public hearing for the proposed maintenance costs in 2013 was mailed to all owners on the assessment roll on October 1, 2014 meeting the two-week notification requirement.

C. CRITICAL TIMING ISSUES

- On or before September 1 of each year, the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under section 825 of the City Code.

D. FINANCIAL

- Estimated and actual costs for the LHN maintenance services from 2002-2013 are:

<u>Year</u>	<u>Estimated</u>	<u>Actual</u>
2002	\$50,000	\$35,136.62
2003	\$50,000	\$37,785.67
2004	\$50,000	\$44,031.39
2005	\$50,000	\$45,385.31
2006	\$50,000	\$45,648.56
2007	\$50,000	\$51,605.29
2008	\$50,000	\$49,999.99
2009	\$50,000	\$49,747.02
2010	\$50,000	\$32,459.40
2011	\$50,000	\$39,090.87
2012	\$50,000	\$32,244.53
2013	\$50,000	\$25,522.16
2014	\$50,000	

- City ordinance provides that special assessments for current services may be certified to the County Auditor for collection along with taxes. This certification may provide that the assessments be completely paid in the first year.
- No interest will be charged if the entire assessment is paid before November 14, 2014. After that date, the City has the right to charge interest on the amount assessed in that the City provided the funds for the initial expense. It is recommended that the interest rate be established at five percent (5%).
- The estimated maintenance cost for the period January 1, 2014 through December 31, 2014 is \$50,000. All commercial properties would be assessed on a square foot basis. All residential properties, plus the two churches in the area, would be exempt from the special assessment levy.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental concerns at this time.

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may make any changes to the assessment roll as a result of the public hearing by adding the phrase "and has amended such proposed assessment as it deems just."

V. ATTACHMENTS

- Resolution adopting assessments for LHN Maintenance in 2013.
- Resolution proposing to specially assess for current services in 2015.
- The 2013 assessment roll
- Copy of letter sent to assessed property owners
- Graphic displaying LHN special assessment district

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Property owners on assessment roll.

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENT FOR
LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE FOR THE PERIOD
JANUARY 1, 2013 THROUGH DECEMBER 31, 2013**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and passed upon all objections to the proposed assessment for current services related to maintenance of the Lyndale/Hub/Nicollet (LHN) Redevelopment Area, which is approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue in the City of Richfield.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

Such proposed assessment roll, in the total amount of \$25,522.16 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed current services in the amount of assessment levied against it.

Such assessment shall be payable before or during 2014 and shall bear interest at the rate of five percent (5%) from the date of adoption of this assessment resolution.

The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property to the City's Finance Division, and may, at any time thereafter, pay to the City's Finance Division the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which payment is made. Such payment must be made before November 14th or interest will be charged through December 31st of the succeeding year.

The City Clerk shall forthwith transmit a certified duplicate of this assessment roll to the County Auditor to be extended on the proper tax lists of the County and such assessment shall be collected and paid over in the same manner as other municipal taxes.

Passed by the City Council of the City of Richfield, Minnesota, this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO.

RESOLUTION ORDERING UNDERTAKING OF CURRENT SERVICE PROJECT LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

WHEREAS, pursuant to ordinance, the City Council of the City of Richfield did establish a special assessment district and did propose that certain services be undertaken by the City in the Lyndale/HUB/Nicollet Redevelopment Area approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue and that the cost of such services be specially assessed against benefited property; and

WHEREAS, the City Council of the City of Richfield did also by such resolution set the date of public hearing on the undertaking of such current service project and the levying of special assessment to bear the cost thereof; and

WHEREAS, following due notice, such public hearing was held on October 14, 2014 at which time all interested parties desiring to be heard were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, as follows:

1. That the following examples of current services of the City shall be undertaken by the City within the LHN Redevelopment Project Area, which area constitutes the special assessment district with the exception of single family, two family and multifamily residential properties, with the cost of such services to be specially assessed against the benefited property within the district:

- a. Snow, ice or rubbish removal;
- b. Weed elimination;
- c. Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
- d. Installation and repair of water service lines;
- e. Street sprinkling or other dust treatment of streets;
- f. Trimming and care of trees and the removal of unsound trees;
- g. Repair of sidewalks, crosswalks and other pedestrian walkways;
- h. Operation of the street lighting system;
- i. Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way;
- j. Maintenance of civic plaza;
- k. Snow removal and other maintenance of streets;
- l. repair of furniture; and
- m. General maintenance, including repairs and replacement.

2. The work to be performed may be by day labor, by City force, by contract or by any combination thereof.

3. The designated period of the project shall be from January 1, 2015 through December 31, 2015. Costs of the project shall be collected in the manner provided in the Richfield Ordinance Code.

Passed by the City Council of the City of Richfield, Minnesota, this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

2013 Actual Charges – LHN Maintenance

PID	Owner	Amount (2014)	Sq Feet
2702824130001	WELLS FARGO BANK	\$351.63	39,982
2702824130052	HUYEN NGUYEN/YEN BUI	\$119.28	13,563
2702824130053	HEADWAY EMOTIONAL HEALTH SERVICES	\$258.96	29,455
2702824130115	JOHN LEE	\$30.82	3,504
2702824130116	RICHFIELD SHOPPES LLC MIDWEST MGMT	\$1,245.83	141,658
2702824230010	HNC PROPERTIES, LLC	\$266.34	30,285
2702824230074	HNC PROPERTIES LLC	\$443.35	50,411
2702824230082	NW BELL TELEPHONE CO. CENTURY LINK	\$1,079.16	122,707
2702824230084	DVM PROPERTIES INC.	\$71.32	8,110
2702824230085	RUSSELL L. JAHN	\$53.51	6,084
2702824230086	RUSSELL L. JAHN	\$106.57	12,118
2702824230087	CITY OF RICHFIELD-FINANCE	\$191.85	21,815
2702824230088	CITY OF RICHFIELD-FINANCE	\$203.59	23,149
2702824230090	NEARCO II, LLC	\$241.68	27,480
2702824230105	C/O SILVER CREST PROPERTIES LLC	\$76.57	8,707
2702824230106	SILVER CREST PROPERTIES LLC	\$20.01	2,275
2702824230107	SILVER CREST PROPERTIES LLC	\$1,662.82	189,073
2702824230111	LYNDALE STATION LLC	\$1,234.13	140,328
2702824230112	LYNDALE STATION LLC	\$582.38	66,220
2702824230113	LYNDALE STATION LLC	\$467.04	53,105
2702824230114	LAKEWINDS NATURAL FOODS COOP	\$750.19	85,301
2702824230115	LYNDALE GARDENS LLC	\$168.12	19,116
2702824240040	KIM MAI PROPERTIES, LLC	\$90.23	10,260
2702824240057	RICHFIELD MEDICAL BUILDING PARTNERSHIP LLC	\$130.42	14,829
2702824240060	BREMER BANK NATIONAL ASSOCIATION	\$686.87	78,101
2702824240061	BRIXMORE SPE 1 LLC	\$5,092.77	579,078
2702824240063	AFC ENTERPRISES INC	\$239.95	27,284
2702824240064	BRIXMORE SPE 1 LLC	\$1,269.27	144,324
2702824240065	LNS REAL ESTATE PRTSHP	\$237.56	27,012
2702824320126	PAUL J ZILKA	\$131.80	14,987
2702824320127	RICHFIELD STATE AGENCY INC	\$5.45	620
2702824320130	PINES INVESTMENTS LLC STEVE KIRCHNER	\$555.93	63,212
2702824320132	WOODLAKE-VEF IV LLC AREA/PROPERTY PARTNERS	\$85.77	9,753
2702824320133	PINE INVESTMENTS LLC STEVE KIRCHNER	\$226.00	25,698
2702824320137	WOODLAKE-VEF IV LLC AREA/PROPERTY PARTNERS	\$1,331.65	151,416
2702824320138	WOODLAKE-VEF IV LLC AREA/PROPERTY PARTNERS	\$162.46	18,473

2702824320451	CITY BELLA COMMERCIAL LLC	\$1,566.77	178,151
2702824420078	RICHFIELD SHOPPES LLC	\$669.30	76,103
2802824110089	LYNDALE GARDENS LLC	\$928.47	105,572
2802824110090	LYNDALE GARDENS LLC	\$586.13	66,647
2802824140370	LYNDALE GARDENS LLC	\$240.00	27,289
2802824140371	LYNDALE GARDENS LLC	\$71.31	8,108
2802824140010	JBB PROPERTIES, LLC	\$457.19	51,985
2802824410039	REALTY INCOME PROPERTIES 3, LLC	\$1,131.71	128,682

\$25,522.16 2,902,030.26

September 29, 2014

Property ID:
Property Address:

I. NOTICE OF ASSESSMENT HEARING

NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR CERTAIN SERVICES OF THE CITY WITHIN THE LYNDALE/HUB/NICOLLET REDEVELOPMENT AREA FROM JANUARY 1, 2013- DECEMBER 31, 2013

NOTICE IS HEREBY GIVEN that the Richfield City Council will hold an assessment hearing on the date and at the time and place given below, to pass upon the proposed assessment for the maintenance services to that area known as the Lyndale/Hub/Nicollet (L/H/N) Redevelopment Area in the City.

- **DATE, TIME AND PLACE OF HEARING:** October 14, 2014 at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda, at Richfield City Hall, 6700 Portland Avenue South, Richfield, Minnesota 55423
- **NATURE OF IMPROVEMENT AND AREA TO BE ASSESSED:** From January 1, 2013 through December 31, 2013 the City of Richfield incurred costs for maintenance of the LHN Redevelopment area, including such work as landscape maintenance of common properties, including mowing, fertilizing, irrigation repair and other maintenance services. The City proposes to assess the costs for maintenance in the LHN Redevelopment area, which totaled \$25,522.16 against the properties that benefited from this work.
- **PROPOSED AMOUNT OF ASSESSMENT:** The total amount to be assessed against all properties is \$25,522.16.

The amount to be assessed against your particular property is: \$XXXX.

Payment can be made after the assessment is adopted and before November 18, 2014 at the City of Richfield Assessor's office, 6700 Portland Avenue, Richfield, MN 55423. Please make your check payable to the City of Richfield.

A copy of the proposed assessment roll is on file for public inspection at the City Clerk's office, 6700 Portland Avenue South, Richfield, Minnesota.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THIS ASSESSMENT. NO SEPARATE BILLING WILL OCCUR. PLEASE DO NOT MAIL PAYMENT BEFORE THE ASSESSMENT HEARING ON OCTOBER 14, 2014.

PAYMENT OF ASSESSMENT: You may pay your assessment at any time after the assessment has been adopted by presenting a check to the City Treasurer at the Assessor's office, 6700 Portland Avenue South, Richfield, Minnesota 55423. Unpaid assessments accrue interest at the rate of five percent (5%) per year. The amount of interest payable depends upon when your payment is made, and the following deadlines apply:

Payment within 30 days of adopted assessment: The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts

the assessment, scheduled for October 14, 2014. If the original principal amount is not paid, the assessment will be charged five percent (5%) interest.

Payment on or after November 18, 2014: Assessments are spread over five years. Interest at the rate of five percent (5%) will be charged. Interest is calculated for 17 months on the first year of the assessment and 12 months thereafter. There is a \$2.50 surcharge per year over the five year life of the assessment when certified to the property tax. Questions regarding the assessment payment procedure should be directed to Debbie Guiher at 612-861-9710.

DEFERRED ASSESSMENTS: Under Minnesota Stat. Secs. 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person who meets certain age or disability restrictions and for whom it would be a hardship to make the payments. The policy and procedure for deferment is set forth in City Resolution No. 9531, which may be obtained from the City Clerk. When deferment of the special assessment has been granted and is terminated for any reason provided in law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of the law and the resolution may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for deferral of this special assessment.

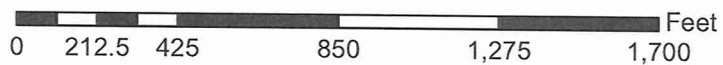
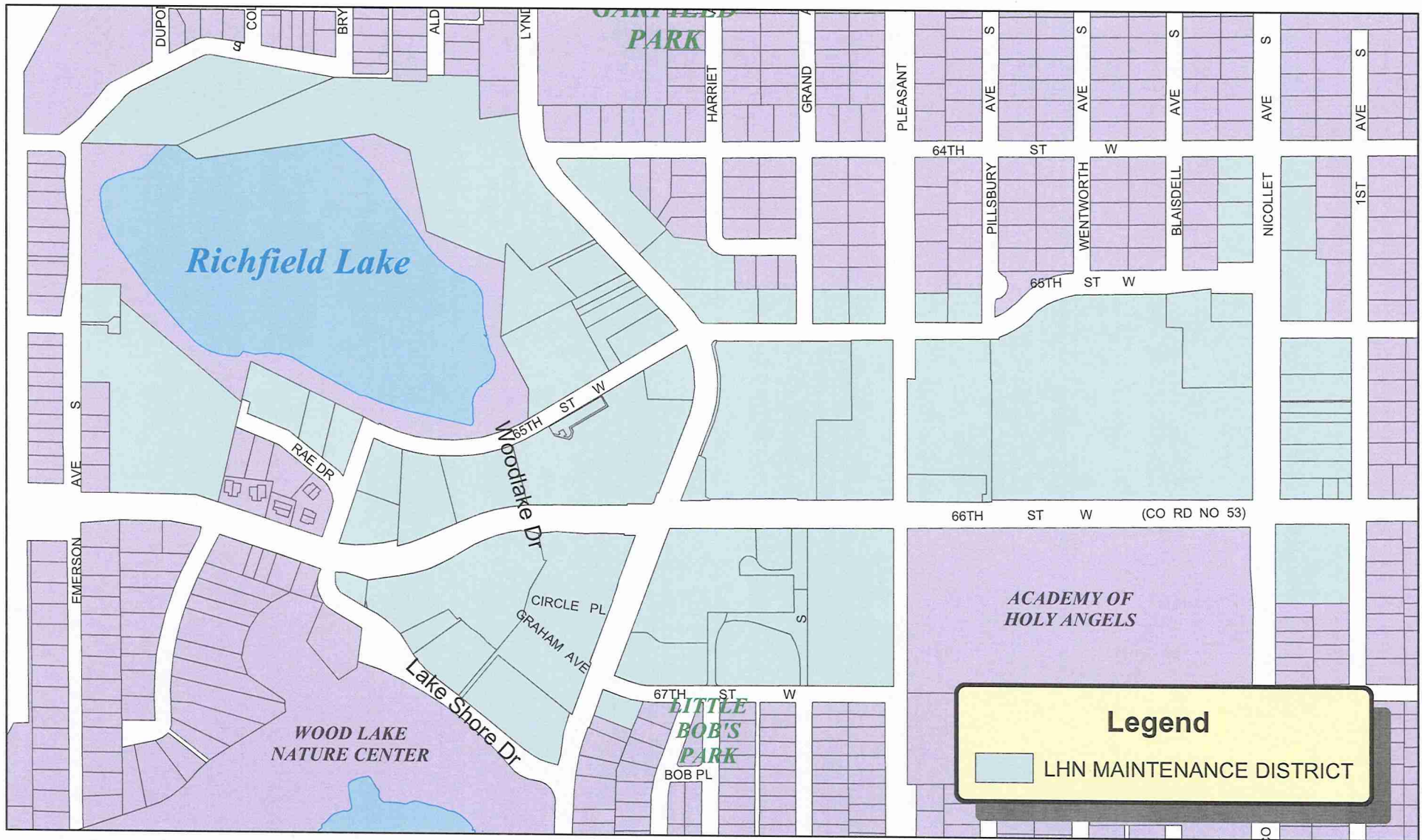
HEARING PROCEDURE AND OBJECTIONS: The City Council will conduct a public hearing on the proposed assessment on the date and time listed. Written and oral objections will be considered at the meeting, but the Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon further notice to the affected property owners, as the Council deems advisable. The Council may adopt the proposed assessment at the same meeting as the hearing.

RIGHT TO APPEAL: You have the right to appeal the City Council's adoption of the assessment. To appeal, you must serve notice of an appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment, and you must also file the notice of appeal with the Hennepin County District Court within ten days after service upon the Mayor or City Clerk. You may not appeal unless you file a written objection, signed by you, with the City Clerk prior to the hearing on October 14, 2014, or present the written objection to the presiding officer at the hearing on October 14, 2014.

BY ORDER OF THE CITY COUNCIL THIS 9th DAY OF SEPTEMBER, 2014.

Questions concerning this assessment **amount** should be directed to Chris Link, Operations Superintendent, at 612-861-9174.

LHN MAINTENANCE DISTRICT





AGENDA SECTION: RESOLUTION
AGENDA ITEM # 12
REPORT # 182

STAFF REPORT

CITY COUNCIL MEETING

OCTOBER 14, 2014

REPORT PREPARED BY:

MELISSA POEHLMAN, CITY PLANNER

DEPARTMENT DIRECTOR REVIEW:



NAME, TITLE

OTHER DEPARTMENT REVIEW:



SIGNATURE

REVIEWED BY CITY MANAGER:



SIGNATURE

ITEM FOR COUNCIL CONSIDERATION:

Consider a request for a one-year extension of land use approvals granted for 6330, 6400 and 6440 Lyndale Avenue (Lyndale Gardens).

I. RECOMMENDED ACTION:

By Motion: Approve a six-month extension, and authorize staff to provide an additional six-month extension of Final Development Plans and the associated Conditional Use Permit for the Lyndale Gardens Planned Unit Development at 6330, 6400 and 6440 Lyndale Avenue, contingent upon substantial completion of the construction of the quasi-public improvements and securing full project funding by June 10, 2015.

II. EXECUTIVE SUMMARY

On March 26, 2013 the City Council approved plans for the redevelopment of land formerly occupied by the Lyndale Garden Center. Approved plans called for a development that would include a 151-unit apartment building; 9,000 square feet of retail space; 2,600 square feet of restaurant space; and outdoor activity areas that would coordinate with construction of the Lakewinds Food Co-op. City approvals are valid for one year unless construction has begun and substantial work has been completed.

On December 10, 2013 the City Council approved an amendment to the proposed project that would allow up to 7,000 square feet of restaurant space in the development. This approval extended the permit expiration deadline to December 10, 2014.

The Cornerstone Group has submitted the attached letter requesting a one-year extension of all land use approvals related to this project to allow them to continue work on securing the remaining financing necessary to construct the project, with a goal of securing the final funding by early 2015. Assuming the funding is in place in early 2015, construction of the apartment building and retail space would begin in late spring 2015.

Construction of the quasi-public improvements, including the bridge, performance stage and trails is scheduled to begin late this fall or early next spring (2015).

Staff is recommending approval of a six-month extension of the land use approvals related to this project, with an additional six-month extension contingent upon substantial completion of the construction of the quasi-public improvements and securing full project funding by June 10, 2015. Substantial construction work on the proposed buildings must be underway by December 10, 2015 for the approvals to remain valid.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- The Cornerstone Group (Cornerstone) received approval in May of this year from the Met Council and the Richfield City Council to begin construction of the grant-related quasi-public improvements.
- Cornerstone requested an amendment to the Met Council Grant to allow for inclusion of architectural and engineering costs which delayed the start of construction of the quasi-public improvements.

B. POLICY

- The term of City approvals is one year. If a project for which approvals have been granted is not substantially underway within one year, the applicant must request an extension from the City Council.
- The City Council may grant an extension of up to one year.

C. CRITICAL TIMING ISSUES

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on September 26, 2014. A decision is required by *November 25, 2014* OR the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.
- The applicant's approvals are scheduled to expire on December 10, 2014.

D. FINANCIAL

- The required processing fee has been paid.

E. LEGAL

- N/A

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Deny an extension of the approved land use approvals. The applicant will have to begin the land use approval process anew.

V. ATTACHMENTS

- Resolution
- Extension request letter
- Approved site plan

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Representative(s) of The Cornerstone Group

RESOLUTION NO. _____

**RESOLUTION GRANTING EXTENSION OF LAND USE APPROVALS
AT 6330, 6400 AND 6440 LYNDALE AVENUE**

WHEREAS, by Resolution No. 10780, adopted on March 26, 2013, the City Council approved a final development plan and conditional use permit for a planned unit development at 6330, 6400 and 6440 Lyndale Avenue; and

WHEREAS, by Resolution No. 10871, adopted on December 10, 2013, the City Council approved an amendment to the final development plan and conditional use permit for a planned unit development at 6330, 6400 and 6440 Lyndale Avenue; and

WHEREAS, Subsections 547.09, Subdivision 9 of the Richfield City Code requires that substantial construction be completed within one year of approval, less the approval expire or the applicant requests and is granted an extension; and

WHEREAS, the City staff has received a request from The Cornerstone Group (the "Applicant") for a one-year extension; and

WHEREAS, the City Council wishes to provide the additional time requested.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, as follows:

1. The City Council extends the approvals granted by Resolution Nos. 10780 and 10871 for six months (June 10, 2015).
2. If substantial completion of the construction of the quasi-public improvements has taken place and full project funding has been secured by June 10, 2015, the Community Development Director may authorize an additional six-month extension (December 10, 2015). In this case, substantial construction work on the proposed buildings must be underway by December 10, 2015 for the approvals to remain valid.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of October, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



September 23, 2014

Karen Barton
City of Richfield
6700 Portland Avenue
Richfield, MN 55423
Via email: kbarton@cityofrichfield.org

Dear Ms Barton,

Please find this letter as an official request to extend the Permit for the Planned Unit Development at 6330, 6400 & 6430 Lyndale Ave S by one year.

As you are aware, the first phase of development is now complete on the site as Lakewinds Co-op opened in June 2014 and is enjoying great success.

Our development team is hard at work securing the final funding that will enable us to move forward with both the public improvements and residential portions of the project. We are requesting a one year extension to allow us to continue these efforts, with a goal of securing the remaining financing necessary by early in 2015, allowing a late spring 2015 construction start.

As you are aware, this is a complicated project. It includes both public and private space on private land, is provides housing for a mix of incomes, and is mixed-use. We knew when embarking on this journey that attracting the right mission driven investors to this project would take time and outside the box thinking. We also knew that this project would serve as a regional model for creating healthy communities that equitably serve all members of the community. What we have now come to realize is that this development is really a national model for creating community, and that we are at the forefront of national conversations about the need to create healthy places at a time when financing tools are not yet set-up to support mixed-income development.

That said, we have made great progress in both the public and private investment community locally, and now nationally. We are currently engaged in conversation with investors that are very interested in this project. We will be working throughout the Fall and early Winter to finalize a structure for moving forward with them. After that is complete we will finalize our mortgage application, which has already been reviewed and an "Invitation Letter" issued by HUD. This is a 4-6 month process to get to closing. At the same time, we are negotiating a Letter of Intent with a tax credit investor.

Your consideration of this extension request will allow us to continue to work toward a successful development and town center at Lyndale Gardens that will be a center of community for all of Richfield.

Attached please find confirmation that the \$125 processing fee was sent by "Bill Pay" from Sunrise Banks.

Please contact me should you have any questions about this request.

Sincerely,

Beth Pfeifer
Director of Development



Cunningham Group
Architects, Inc.
201 Main St. SE
Suite 303
Minneapolis, MN
55414
Tel: 612 379 3100
Fax: 612 379 4400
www.cunningham.com

Client
CORNERSTONE PARTNERS

Consultant

Revisions	No.	Date	Description

**PLANNING/ZONING
APPLICATION - PUD
SUBMITTAL**

Document Phase:	PROGRESS
Date:	FEBRUARY 11, 2013
PGC / AGC:	Chris Cow
Drawn By:	CPS
Checked By:	PS
Comm. No.:	12-0249

Project Title
LYNDALE GARDENS

Sheet Title
**CONTEXT
PLAN**

Sheet Number
L001